TOWARDS DRY INDIA

BY

"ATREYA"

WITH A FOREWORD

BY

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Story of Liquor, Methods of Control in India, Stir in Parliament, Congress Campaign, The Prohibition Era, Madras Act, Rules, etc.

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To give the poor people drinking water and to wean them from drink are, if there were nothing else, achievements of which any ministry might be proud.

The Rt. Hòn. V. S. Srinivasa Sastriar.

FOREWORD

I gladly respond to the request to write the foreword to this book on Prohibition by my friend.

Prohibition is a topical issue to-day, but it is also an eternal issue. If the Congress Government in Madras succeeds in making Prohibition effective in the real sense, that is to say, in weaning drunkards from their habit and making people generally sober, they will have done a service not only to Madras and to India but to humanity.

Any literature, therefore, on this subject is bound to be interesting. This book, I trust, will help people to understand the motives behind the Prohibition policy of the Government and also the conditions and the results of its success. I congratulate the writer on this book and wish that this book will have the wide circulation it deserves.

MADRAS,
Mar. 3, 1938.

S. SATYAMURTI.

PREFACE

Drinking of liquor has been an age-long habit of mankind. In ancient India the State controlled this habit and in the modern world many a country has adopted measures to check consumption; some have also tried prohibition, though the reform could not be lasting.

The fight against drink in India has been based largely on economic and moral grounds. Mahatma Gandhi has been leading the movement for prohibition, and the Congress Ministries are committed to this reform as one of their immediate tasks.

The story of liquor through the ages, the measures of control adopted in India, the efforts at prohibition in some Western countries, the growth of the evil in India in the latter half of the last century, and Parliament's concern in the problem are all of absorbing interest. Mahatma Gandhi has been the foremost leader in taking India on the road of national progress during the last quarter of a century. His efforts to rid the people of the evil of drink have been as vigorous as his fight for political freedom.

The Congress Ministries have, therefore, rightly placed prohibition as one of the important items in their programme and have made a beginning towards the goal. Madras has been the pioneer in this work.

This book makes a survey of the drink problem, the efforts to check the evil, the debate in Parliament

on excise administration in India, the Congress campaign, the discussion on the Madras Prohibition Act and the results of the reform, and gives the Prohibition Act, the rules framed under it, the report on its working and other details. It does not claim to be exhaustive, but it does represent an earnest effort to study the problem of the drink evil and the efforts at prohibition, with particular reference to the Congress campaign and the inauguration of the reform in Madras.

The author is deeply indebted to several issues of *The Harijan* for various valuable details, to other periodicals and books and to Government reports and publications for an invaluable fund of information on the subject.

MADRAS,
3rd March, 1938. } "ATREYA."

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I

THROUGH THE AGES

Dreaming when Dawn's left hand was in the sky
I heard a voice within the tavern cry,
"Awake, my little ones, and fill the cup
Before life's liquor in its cup be dry".

—Rubaiyat of Omar Khayyam.

From the beginning of human history intoxicants have held men under their strong influence. In the earliest stages of civilization men used them as a means to procure food. In primitive society several tribes used narcotics to catch fish. The Tahitians, a tribe of savages, threw a mixture prepared from the *huteo* nut or the *hora* plant in streams, and, fish drunk with that mixture, which had an intoxicating effect, floated leisurely on the surface of the water and fell an easy prey to the hungry man. As man advanced from the primeval stages of civilization he found in intoxicants an exhilarating beverage. When he had worked all day he found solace in a cup of intoxicating drink. "In the evening when the peasant might have been disturbed by thoughts on life and death, he quieted memory and anticipation with wine pressed from the date or beer brewed from the corn."[1] Noah, the ancestor of mankind, according to Christians, planted a vineyard, "drank wine and was

1. Will Durant—"*Story of Civilization.*"

drunken."[1] The history of the Babylonian civilization shows that grape and olive were introduced from Mesopotamia into Greece and Rome and then into Western Europe. Different grains and fruits served as the bases for the distillation of liquor and the fact that the grape was popular in Mesopotamia as early as the twentieth century B.C. lends support to the conclusion that wine, too, should have been popular from early times. Beer, a beverage obtained from cereals through a process of fermentation, had also been in vogue from early times, and Egyptian history reveals the popularity of such drinks in 1300 B. C. Pliny, the great historian of ancient Rome, makes reference to a wine prepared from corn. In course of time liquor spread to various parts of the world, and various countries used beverages which were intoxicating in effect. Cereals formed the bases of most of these kinds of drink. In China, shamsu, a liquor made from rice, was a popular beverage. Fermented liquors are not as intoxicating as distilled ones. When man wanted a strong drink so that he might derive the fullest pleasure from intoxication, distilled liquors became popular.

As society advanced and tastes improved, the varieties of liquor grew in number. Ale, an intoxicating beverage made from malt by a process of fermentation, beer from grains, rum and gin distilled from sugar and whisky distilled from malted barley and other cereals were some of the varieties. Country spirits are generally distilled. Toddy, or, tari as it is called in Northern India, is an intoxicant popular

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1. Genesis IX-20.

among the lower classes, and is obtained by a process of fermentation from the sap of the coconut, date or palm trees.

In the words of an American "there has always been alcohol in the blood of world-conquering, world enlightening manhood." He points out that the progenitors of the great white race were brewers and hearty drinkers of liquor.

Some of the world's greatest men had been addicted to drink, and liquor had flown on the dinner tables of nobles and kings. In fact, the measure of the greatness of a king and of his hospitality was in most cases his lavishness in supplying liquor. Alexander of Macedon (fourth century B.C.) had found drink an invaluable stimulant to him in his energetic campaigns, but being given to excess he died in a drunken bout at the early age of 32. Kublai Khan, the great Mongol Emperor (thirteenth century A. D.), was given to excessive drinking. Marco Polo, a Venetian who stayed long at the court of the Emperor, giving a picturesque discription of the court, says that liquor occupied a high place on the dinner table of the Emperor. He writes: "In a certain part of the hall, near where the great Khan holds his table, there was set a large and very beautiful piece of workmanship in the form of a square coffer or buffet, about three paces each, exquisitely wrought with figures of animals finely carved and gilt. The middle is hollow and in it stands a great vessel of pure gold, holding as much as an ordinary butt; and at each corner of the great vessel is one of small size (of the capacity of a finkin) and, from the

former, the wine or beverage flavoured with fine and costly spices is drawn off into the latter."[1]

India also has known liquor from ancient times. The Hindu scriptures, which are of great value in studying the conditions of social life among the Hindus in the Vedic period, make reference to drink. The Vedic Aryans grew barley, and liquor made from this grain should have been in common use.

Under the Hindu rulers liquor traffic was subjected to control, but drinking was common.

"Intemperance was the besetting sin of the Timurid royal family, as it was of many other ruling families."[2]

In the days of the East India Company and also later drinking was a common practice. With the spread of English education this practice grew in intensity, drinking being considered a fashion and a mark of respectability by those who aped the West.

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1. Marco Polo's Travels.
2. Dr. V. A. Smith—*Akbar*.

II

IN ANCIENT INDIA

O thou invisible spirit of wine, if thou hast no name to be known by, let us call thee devil.

—**Shakespeare.**

In all ages and climes the consumption of liquor has been a common feature of social life, though indulgence in drink has been condemned. From the earliest times Indian leaders and law-givers considered drinking a vice. The Rig Veda, the earliest of the four Vedas, indicates seven sins; these are not specifically mentioned but are apparent from the explanation to the relevant passage in the later Vedic literature. According to this explanation the seven sins are: theft, use of the preceptor's bed, homicide of a Brahman, causing abortion to a woman, drinking liquor, repetition of a crime or of an evil act and attempt at perfidy.

The Sruthis and Smrithis, and the Hindu Scriptures forbid liquor. Manu, the Hindu law-giver, goes to the extent of saying that sura or liquor is the personification of sin and that hence neither the Brahman nor the Kshatriya nor even the Vysia may drink it.

The slayer of a Brahman (a twice-born), he who drinks (the spirituous liquor called) sura, he who

steals (the gold of a Brahman) and he who violates a Guru's bed must each and all be considered as men who committed mortal sins (mahapataka) Manu—IX —235.

A Brahman who drinks (the spirituous liquor called sura) shall enter the bodies of large and small insects, of moths, of birds feeding on ordure and of destructive beasts. Manu—XII—56.

Drink was of three kinds, one distilled from molasses (gaudi), another distilled from ground rice and a third from maduka flowers.

Manu considers the drinking of spirituous liquor to be a heinous sin and prescribes heavy penalties for it. He lays down that for drinking the spirituous liquor called sura "the sign of a tavern shall be imposed with a red hot iron on the offender's head."

"Excluded from all fellowship at meals, excluded from all sacrifices, excluded from instruction and from matrimonial alliances and from all religious duties, let the offenders wander on the earth", he says.

(Manu—IX—338).

Abstinence from liquor was considered a political virtue in ancient India. Political thinkers set before kings several great ideals to ensure the well-being of the State, and the kings were expected to be free from certain sins called vyasanas; these vyasanas were gambling, sensual enjoyment, hunting and drinking. These sins were due to the six-fold reasons (passions) kama, krodha, lobha, moha, mada, and matsarya. According to Manu, who is explicit on the point,

ten evils are brought about by kama. These include gambling, sexual indulgence, drinking spirituous liquor and dancing. While, generally, all these practices are condemned, some of them are prohibited. Sukracharya, a political thinker of eminence in ancient India, deprecated excessive sexual indulgence, gambling and drinking as productive of great disasters. Kamandaka, another authority, considers lust, gambling, hunting and anger to be objectionable. He condemns drinking liquor as the worst of all vices and adds "the inauspicious effects of drinking are loss of money, lunacy in a sensate man, corpse-like appearance while living, nakedness, loss of knowledge of the Vedas, loss of life, wealth and friends, dissociation with the good, suffering from pain, and indulgence in playing on musical instruments and in singing at the expense of wealth."

Some are under the impression that sura or liquor was used in large quantities by the people of ancient India and that under the pretext of performing sacrifices the people drank soma juice which, it is interpreted, was a spirituous and intoxicating liquor, verily a Vedic Bacchus. This is a wrong impression. Soma was different from sura or liquor. Soma was an indigenous plant and grew in the cis-Himalayan slopes, on the banks of the rivers Susoma and the Arikiya and on the plains of Kurukshetra, near Delhi. The stalks of the soma plant were crushed between two stones with an admixture of water to produce juice. The juice was poured on a strainer of sheep's wool and any impurity was thus removed. Milk, honey, curds, ghee and barley flour were added to this juice. The characteristics of this

soma preparation were different from those of liquor. Soma was delicious in taste and exhilarating in effect, though it was slightly intoxicating. According to the Rig Veda "it had the quality of moral elevation; it inspired confidence and courage, faith and self-trust. It gave great powers of speech and bestowed eloquence. It endowed the user with intellect and with the power of deep thinking. It gave strength, valour, etc., cured diseases and was a grand elixir." [It gave sight to the blind and power of hearing to the deaf, and made the lame walk. It was so highly valued for the good it produced that it was considered to be capable of bestowing immortality.]

Surely, such an "elixir" should not be classed with spirituous liquor. The Aryans, who looked upon spirituous liquor with contempt, could not have used soma juice if its characteristics had not been different from those of intoxicating drinks. The soma plant is now extinct in India, though it is identified by some with one species or another of *asclepia* or *sarcostemma* grown in ancient India for religious purposes.

From contemporary literature we learn that sura was of different kinds. According to the *Arthasastra* they were medaka prepared from rice; prasanna prepared from spices and fruits; asava prepared from sugar and honey; arishta prepared medicinally from certain ingredients; maireya from jaggery, pepper and the bark of some trees; and madhu from grapes. Besides these there was sahakara obtained from the juice of mangoes[1].

1. The Arthasastra, Book II—25.

To these liquors ferments were added in due proportion, the liquors thus being made powerful intoxicants. The list of liquors does not include toddy, the juice of palms. Toddy was, obviously, of later origin, and this inference is supported by the fact that coconuts and dates are not mentioned in any record of ancient India. Women and children alone were allowed to prepare drinks and ferments ; this was so perhaps because they were ignorant of the taste of liquor, and could therefore be entrusted with this task without any danger of their consuming the liquor.

In spite of these prohibitions drink has been prevalent from ancient times in India. The injunction of the law-givers was intended largely for the higher castes and not for the whole community. In fact, different communities and groups in ancient India were addicted to liquor. The Vanaras, who appear to have been a totem group in South India, delighted in drinking, and even their womenfolk were addicted to this habit. In Lanka, the kingdom of Ravana, almost every one consumed liquor habitually.

In South India drinking was condemned vehemently. Thiruvalluvar, the great Tamil savant, in his *Kural*, abhors liquor.

He says : " the sight of the man who is drunk is an abomination even unto the mother that bore him. What must it then be to the worthy ?"

" It is the veriest idiocy to spend one's substance and obtain in return only insensibility ;"

" Behold the men who drink the poison called toddy day after day ; they are as men that are

asleep;" neither do they differ from dead men" (V. V. S. Ayyar's Translation—Ch. 93.)

Almost all classes of people in the Tamil country indulged in liquor. "Rice liquor, liquor brewed from honey, and palmyra liquor were all in lavish and popular use. This fact presupposes the existence of wine shops. What is, however, curious is that these ancients did not make use of coconut liquor. At least we have not come across any such reference".[1] In mediaeval times in South India drink had come to stay. Toddy-tapping had developed into a hereditary occupation, and to protect their interests the toddy-drawers had organized themselves into a guild. In the days of the Vijayanagar kings toddy-drawers were subjected to a profession tax.

The Quoran has laid down a course of conduct for men to help them live nobly and attain to the heights within their reach. It condemns various evils, including gambling and drinking liquor. In Chapter II verse 219 God says to the Prophet:

"They will ask thee about wine (all alcoholic drinks) and *el maisar* (a game of chance), say: in them both is sin and profit to men; but the sin of both is greater than the profit of the same."

Chapter V, verse 91, says: "O Ye, who believe; verily, wine and *el maisar* and statues and divining (arrow) are only an abomination of Satan's work. Satan only desires to place enmity and hatred between you and God by wine and *el maisar* and to

1. Prof. V. R. Ramachandra Dikshitar—*Studies in Tamil Literature and History*.

turn you from the remembrance of God and from prayer."—*The Quoran-E. H. Palmer's Translation.*

Christianity discourages excessive consumption of liquor, though it does not strictly prohibit drinking. In all churches wine is required for ritual. In Anglican churches it is partaken by the priest and the congregation and in Catholic churches it is required for the ritual of mass and is taken by the priest alone. In Catholic institutions the quantity of wine used is only about an ounce but in Anglican churches it is a little larger than that. Without wine the Communion service cannot be held in Anglican churches, nor the ritual of mass in Catholic institutions.

In Chapter 23 of the Proverbs indulgence in wine is condemned.

Verses 29 to 32 say :—

29. Who hath woe? who hath sorrow? who hath contentions? who hath babbling? who hath wounds without cause? who hath redness of eyes?

30. They that tarry long at the wine; they that go to seek mixed wine.

31. Look not thou upon the wine when it is red, when it giveth his colour in the cup, when it moveth itself aright.

32. At the last it biteth like a serpent and stingeth like an adder.

III

LIQUOR AND HEALTH

Let none drink: but if they desire, let those men drink who care not for the esteem of worthy men.

—The Kural.

The injunction against liquor in ancient India was based largely on ideals of morality, for the organization of society was influenced by considerations of plain living and moral purity. It has been recognized by many that the injunctions of law-givers were based upon practical considerations conducive to healthy living and social happiness. Liquor was condemned because it was considered to affect the healthy living of the individual and the social life of the community. And this view of the health aspect of intoxicants has been confirmed in modern times by doctors.

The various kinds of distilled and fermented liquors contain each a quantity of alcohol which is highly deleterious to health. The proportion of alcohol in a spirituous preparation is denoted by the term "overproof," if the quantity of alcohol be larger than that of water, and "underproof" if it be smaller. If the quantity of alcohol be equal to that of water, the mixture is "proof spirit."

The liquors used in India comprise three main groups :—country spirits, foreign spirits, and toddy or tari.

Alcohol is the active principle in any intoxicating liquor and is produced by the fermentation and decomposition of any mash, mixture or solution containing sugar.

The mash is obtained from the germination of cereals or from a mixture of the juice of fruits or the sap of the coconut, date or palm tree. The preparation is called beer, arrack or wine according to the base and the process adopted. Beer is a beverage produced by a process of fermentation from malted barley or other grains, and hops are added. The proportion of alcohol in this liquor is about 7 per cent.

Arrack is the chief country spirit in India and is produced by distillation from the fermented solution of jaggery, molasses or from the flower of the mahua tree. Its alcoholic content is 30 to 40 per cent.

Wine is produced from grape juice and is of various kinds, the alcoholic strength being 10 to 25 per cent. To increase the alcoholic strength of wine over its normal proportion a quantity of alcohol is added to the liquor, this process being called "fortifying." Whisky is obtained by distillation from the fermented extract of cereals such as oat, barley, etc. Rum is distilled from sugar-cane juice or from molasses which have fermented. Brandy is distilled from fermented grape juice. The alcoholic content of these is about 50 per cent. in each case. Gin is the spirit distilled from malt and maize and contains alcohol varying from 40 to 50 per cent.

Toddy or tari is used by the majority of the poorer classes in India. It is the fermented juice of the date palm or the coconut. When a flowering branch is half shot and the covering of the flowers has not opened, the tapper cuts off the joint, binds the stump with a leaf and beats the remaining part with a stick. The stump bleeds and the juice is received in a pot. The tree is tapped twice a day for about three months in the year, though the toddy is drawn only once a day during the tapping season.

The sap or juice remains in good condition for three days and then turns sour when it is used for distilling arrack. The juice received in a pot coated with lime so as to prevent fermentation is called sweet toddy and is used for making jaggery. Toddy is believed to contain about 8 to 10 per cent of alcohol, but investigations by medical experts show that it has the lowest alcoholic content.

The medical profession is generally agreed that alcohol, whatever its immediate effect, has a deleterious influence on the human system. The immediate effect is that it relieves pain and serves as a stimulant. In the second stage it affects the senses, their fineness being blurred. In the third or the advanced stage it affects the intellectual powers and deprives the drinker of self-control. Used in excess alcohol shortens life, and protracted alcohol habit affects the resistance capacity of man and subjects him to various diseases.

The immediate effect of all intoxicants is a cumulative production of paralysis of various parts of the nervous system, but this effect varies with the

agent, the individual and his race. "In short,. there is a graduated scale of intoxicants in hops, alcohol, ether, tobacco, and opium. The intoxicants stimulate in small doses and narcotize in large doses." Alcohol "mocks the people as a stimulant because simply it narcotizes control and, therefore, the reserves, in the system."

"Alcoholism and tuberculosis stand foremost amongst the conditions hampering human progress."[1]

In 1909 an International Conference on Alcoholism held in London was attended by scientists and experts in medicine from various countries. These experts compared the results of investigations made on alcoholism and said:—

> "Exact, laboratory, clinical and pathological research has demonstrated that alcohol is a dehydrating, protoplasmic poison, and its use as a beverage is destructive and degenerating to the human organism. Its effects upon the cells and tissues of the body are depressive and anaesthetic. Therefore, therapeutically its use should be limited and restricted in the same way as the use of other poisonous drugs."[2]

Although the medical profession is largely against liquor, some of its members believe that liquor is not so bad as it is condemned to be. In 1917 an important committee, of which Lord D'Abernon was president, examined the problem of drink and its effects. It found that, provided that such interval

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1. Dr. T. L. Kelynack (From *Prohibition*—By L.T. Beman).
2. From *Prohibition*—By L. T. Beman.

lapsed between the times alcoholic beverages were drunk as would prevent the persistent presence of a deleterious amount of the drug in the body, and provided that alcohol was not taken in concentrated form it was not physiologically harmful in the case of the majority of normal adults.

Fermented liquors are less harmful than spirits, and Major C. H. Bedford, who examined different kinds of Indian fermented liquor, found toddy to possess in a somewhat higher degree than the other kinds of liquor a greater nutritive value. "It has the definite advantage that of all liquors its alcoholic strength is lowest." But the Excise Committee appointed by the Government of India in 1905 was of the opinion that, though toddy was the least noxious of alcoholic drinks, yet it should be consumed only in moderation, and that only in fresh state. The safe limit of time is fixed at 24 hours after the toddy is drawn. If it is used later, the deleterious effects are more pronounced than when used within the time limit.

IV

EFFORTS AT CONTROL

Where it was not possible to enforce total prohibition of an evil the next best thing was to control it either by effective regulation or by State supervision.

—**Prof. K. V. Rangaswami Ayyangar.**

Barring a few dissenting voices, medical opinion is against liquor. Attempts have, therefore, been made to regulate the trade in liquors and to bring drink under control. Ancient Hindu polity had evolved a system of control.

Diet and daily life were considered to influence social efficiency and the prosperity of the people, and they were, therefore, governed by regulations. It is not that personal freedom was not allowed at all, but in the interests of the individual himself, that freedom was restricted. In regard to the production of goods of a deleterious character the State had a monopoly. Liquor was manufactured in State workshops so that the production and the sale might be controlled effectively. The method of controlling consumption was the levy of customs and excise duties.

The *Arthasastra* describes the functions of an officer designated as the Superintendent of Liquors

who enforced the regulations governing the manufacture and sale of liquor. Two effective means of controlling the trade were restricting the number of shops and regulating their location. It was laid down that the shops should not be close to one another. Stringent rules were provided, limiting the quantity of liquor that might be sold, specifying the class of persons to whom it might be sold and fixing the price. Liquor was not allowed to be taken out of a village. Lest workmen should spoil their work, it was laid down that liquor should be sold only to men of well-known character and that in small quantities.

Only persons of admittedly good character were allowed to take liquor outside the premises of the shop. All persons who wanted to drink were allowed to do so, but the shops were compelled to provide accommodation to enable the customers to remain in the shops till they had regained sobriety. And while the addicts remained in the shop, the safety of their person and property was assured and several comforts were provided for them in the shop. Sukracharya, a well-known authority on ancient Indian political theory, laid down that liquor being a source of nuisance to the public, shops should be located only outside the limits of the villages. As low prices led to increase in sale, it was provided that "no fresh liquor other than bad liquor shall be sold below its price."

These regulations show that the idea of ancient Indian kings was that, as it was not possible to make people give up drink, the best means of protecting them

while yet the evil remained was to control the evil. "Where it was not possible to enforce total prohibition of an evil the next best thing is to control it either by effective regulation or by State supervision ".[1]

Thus in ancient India the control of liquor trade was a means of checking consumption and was part of the revenue system of the country. Later, toddy-drawers were subjected to a tax and in mediaeval South India toddy-tappers formed themselves into a guild to safeguard their interests. Under Muslim rulers liquor was subjected to a tax.

The Quoran condemns drink as " Satan's work" and some of the Muslim rulers abstained from liquor, though some others were given to excessive indulgence in it.

The first ruler in India to attempt the prohibition of drink was Allau-d-din Khalji (1296—1316) who took drastic steps to check the evil. And he himself set an example in abstinence. In pursuance of his resolve to enforce prohibition, he ordered that all Chinaware and glass vessels used for drinking be thrown away, and, in execution of this order "jars and casks of wine were brought out of the royal cellars and emptied at the Badaun Gate in such abundance that mud and mire were produced as at the rainy season."[2] It was not easy to reform those who had developed drinking as a habit. Liquor was brought into the capital by clandestine means and used, but when these breaches of the royal order were

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1. Professor K. V. Rangaswami Ayyangar, *Indian Economic Thought*.

2. Ziau-d-din Barani.

detected, the offenders were "thrown into pits dug outside the Badaun Gate, where many perished miserably."[1] The evil still continued to an extent and "the Sultan was obliged to wink at a certain amount of drinking, provided that it was private and the liquor was brewed at home; but public drinking was for the time stamped out." But under the rule of his son everything reverted to the old lax way, as Lane Poole observes. The wine shops were "reopened and all the world drank."[1]

Jehangir (1605—1627) forbade wine for his subjects but allowed for himself a licence. In his Memoirs he writes: "Wine and every sort of intoxicating liquor are forbidden and must neither be made nor sold; although I myself have been accustomed to take wine from my eighth year to the present—this is the 38th year—and have regularly partaken of it. In early days when I craved for drink I sometimes took as many as 20 cups of double distilled liquor. In course of time when it took great effect upon me I set about reducing the quantity. In the period of seven years I brought it down to five or six cups. My times of drinking varied. I sometimes began when two or three hours of the day remained; sometimes I took it at night, and at present, I drink it only to promote digestion of my food." Under Akbar liquor was subjected to a tax.

Another attempt at prohibition by a Muslim ruler was that made by Tipu. Being an orthodox

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1. Ziau-d-din Barani.

Muslim, he was inspired by the Quoranic ideal of prohibition and ordered that all trees tapped for toddy should be felled and alternative vocations found for the tappers. Col. Mark Wilks, who is bitter in criticising Tipu for his anti-British activities, warmly praises him for his efforts at prohibition. He observes: "in the midst of our disgust at his vices and follies, one improvement occurs, not undeserving of the modified consideration of Western statesmen, who value the health or the morals of the people". Tipu reduced the number of shops and regulated the sale of liquor till he prohibited drink and intoxicating drugs and ordered the destruction of the white poppy and the hemp plant.

In spite of these noble efforts the people were addicted to drink. Tavernier, a French goldsmith, who visited India several times between 1631 and 1668 and studied the conditions in various parts of the country, says that the Sultan of Golconda collected a large revenue from toddy and that liquor was popular among the lower classes, though the higher called it "Petannir" or devil's drink, and abstained from it.

Generally, the people were temperate, and intemperance prevailed only among some of the noble families. Dr. V. A. Smith finds that, though individuals sometimes gave way to intemperance, still the population, as a whole, was sober, and public opinion was opposed to intemperance.

In various countries in the West taxation has been the method of controlling the manufacture and

sale of intoxicating liquors and drugs. And, generally, the four systems of control have been licensing, the company system (under which the sale of liquor is entrusted to a body of people not interested in making a profit out of the trade), State monopoly (where the State has complete control over the trade and obtains a revenue) and restriction of consumption by the levy of a high tax.

In England ale houses were popular in the early days of English History. Ale occupied a high place among beverages and was as popular as coffee and tea till these were introduced. People were drinking heavily and about the time of the Civil War drink became a menace to social life and order. In 1495 the Government passed a law empowering justices of the peace to control the location of ale houses. This effort at the statutory control of drink met with some success but restrictions on the location of ale houses were not enough, and further measures were considered necessary. In 1551-52 a system of licensing was introduced and the justices of the peace were authorised to regulate the hours of sale of liquor and also to stipulate conditions governing the sale.

In course of time, the system of licensing was extended, but the injurious effects of drink on the population being recognized there was an insistent demand for stringent measures. The State considered it necessary to raise the price of liquor so that at least the poor might be compelled to give it up, but the fact that enhancement of prices involved the danger of illicit distillation was not ignored. A series of

efforts to improve the then existing system were made and various amendments to the liquor control laws were effected with the advance of time. In England, as in many other countries, the War and its demands on the population and on food supply gave an impetus to the State in the adoption of measures to ensure strict control of drink. In 1915 the Liquor Control Board was created and invested with powers to restrict the sale of liquor and to stiffen the system of control. For a time, the Board adopted a system of State purchase of the liquor required in certain areas. Further, in course of time, the Board reduced the number of licences. In 1921 the Board was abolished and the hours of sale were further restricted.

In France the regulation of liquor trade was left to local authorities. In 1880 a law providing for various restrictions was passed, but it was conceived not as a means of temperance but as a measure to maintain public order. The same regulations remained in force for a long time.

In Germany several restrictions were introduced during the war but the country did not favour strict control. However, after the war, alive to the deleterious effects of drink, the Reichstag granted the right of local option. The country did not favour extreme reform and in 1925 and 1927 proposals for wide local option in some areas were rejected.

In Italy the need to reduce the number of liquor shops was realised, but a large tract of the country being under grape cultivation it was feared that any restriction of the liquor trade would affect that cultivation. Since the War, in the larger interests of

the nation licences were reduced and the hours of sale restricted. Efforts were made to find other uses for grape than the distillation of wine.

Switzerland is one of the countries that tried various experiments in liquor control. From 1887 the manufacture and sale of liquor were a State monopoly and various regulations to bring the trade under effective control were passed. On account of the agitation for intensive State control a referendum was taken in 1923 on the demand for a further intensification of the liquor control measures, but contrary to expectations the people did not support the demand. In 1929 a referendum was held on local option, but the reform was not favoured.

Several systems were tried in the past in the Dominion of Canada. Various States adopted prohibition but the reform was discarded subsequently, in favour of Government control.

In Australia the Constitution provides for three systems of control Local option was tried for some time in some of the States, and in 1925 a proposal for prohibition was voted down by the people.

New Zealand has been following an effective system of licensing with provision for local option. The system of control in the Union of South Africa also provides for local option.

V

A "CANCER IN SOCIETY"

Drink is the source of all evil and the ruin of half the workmen in the country.

—George Washington.

Liquor has been a beverage dear to society from the beginning of time, but when society realised that it was an evil the need for temperance was felt. Many rulers promoted temperance by controlling the consumption of liquor, and moderation in drink was the object of various systems of control. In modern times temperance has been a political ideal and a plank in the programmes of political parties. The organized agitation for temperance became an important public movement in America in the eighteenth century. George Washington, the first President of the United States of America (1789), realised the havoc caused by liquor on his people, especially on the industrial workers and the poor, and condemned it as "the source of all evil and the ruin of half the workmen in the country." Temperance workers fought against drink and in 1808 the first temperance society was started in Saratoga. The Church helped the movement and, with the advance of public opinion in support of the campaign against liquor, temperance became a political issue.

In Europe Ireland was the first country to start a temperance organization—this was in 1815.

In course of time it was found that temperance was not quite the best objective. It was considered that mere licensing laws did not help to combat the evil effectively. Leaders of public opinion realised that while the evil of drink was still allowed to remain and was even sanctioned by the State by means of legislation for control, the movement for temperance was a mere waste of effort and would not advance the cause of reform. Liquor was considered a poison which should be removed from society.

General James Appleton, who was known as the father of the prohibition movement in America, said in 1837 :—

> "It is the inevitable tendency of the shop and the barroom to decoy men from themselves and their self-control, and our whole experience under the licence laws of the State has proved how helpless it is that such places should exist and men not become intemperate. If the poison were not freely offered for them under the sanction of law, it cannot—it would not—then be purchased.[1]

The Rev. Dr. James Smith, another vehement fighter against drink, declared in 1853 : "Liquor traffic is a cancer in society eating out its vitals and threatening destruction, and all attempts to regulate the cancer will not only prove abortive but will aggravate the evil. No, there must be no more attempts to regulate the cancer ; it must be eradicated ; not a root must be left, for, until this is done all classes must

1. From Hugh Colvin—*Temperance in America*.

continue to be exposed and become victims of strong drink."

The objective of reformers changed from temperance to prohibition. Abraham Lincoln supported the prohibition movement and, about the middle of the last century, prohibition, not mere temperance, became the slogan of many a politician in America. In a few years after 1850 several States in America adopted prohibition. The reform was not, however, permanent. No reform striking at a deep-rooted habit or opposed to vested interests can be sustained except by incessant efforts to back it up. The people were content with the introduction of prohibition legislation and did not support it in an organized manner; nor did they guard against violations of the law. Breaches of the law affected the whole scheme of the reform and prohibition failed in these States. Ex-Governor Dutton of Connecticut, under whose administration as Governor in 1854, prohibition had been successful in Connecticut, analysing the causes of failure, said that the temperance workers succeeded in getting the law passed and were then satisfied that they had done all that was necessary. They thought that, if they could only get a temperance law placed on the statute book, intemperance would come to an end. They did not realise that a mere naked law was "the most contemptible and ruthless thing in the world." These remarks made about Connecticut were true of other States as well.

The American people were determined and carried on vigorously the campaign against intoxicating liquors and drugs. During the War the State realis-

ed that to increase the physical efficiency of the people and to conserve all the available food supply prohibition should be introduced. Though various States had already adopted this reform, yet it was considered that an amendment to the Constitution should be made so that the reform might be possible on a nation-wide scale. Accordingly, in 1919 the Volstead Act, or the eighteenth amendment to the American Constitution, was adopted. This enactment began an era of nation-wide prohibition and a majority of the States introduced the reform. The country went "dry" and remained so for a few years. Prohibition was found to be beneficial to the people. The saloons having been centres of vice and a social nuisance, the passing away of those dens of vice was a blessing to the people.

Prohibition affected those who had formerly flourished in the liquor trade. The manufacturers and merchants engaged in the trade were bitter against the reform and an organized campaign against the law followed. Suppression of a desire leads to excesses after a time. The consumption of liquor having been a deep-rooted habit in the people, the suppression of drink only rendered the craving for it irresistible. And people resorted to malpractices and methods which made the law entirely inoperative.

Social life in America was an obstacle in the way of prohibition. Club life had its fashions and practices and drink having been a dominant aspect of club life, its suppression was irritating and could not be tolerated for long. Violations of the law were frequent; smuggling and illicit distillation grew be-

yond controllable limits. Those who had flourished in liquor traffic combined, and, with their abundant resources, fought the State. Bootlegging grew stronger than the prohibition law.

Drink having been suppressed for a time, when violations of the law became common the temptation of liquor became so powerful that the evil, which prohibition sought to abolish, was aggravated. Drunkenness grew enormously and crimes also increased in proportion. Thus, not only did the prohibition law fail to produce the benefits expected of it and to check the evil of drink, but it involved the State in heavy expenditure on the maintenance of a preventive force.

Leaders of the country realised the futility of legislation. Those who had warmly supported prohibition and even those who had agitated for it pleaded for repeal of the Volstead Act and for restoration to each State of the right to decide for itself whether it would go dry or not.

The forces against the continuance of prohibition were strong and on December 5, 1933, by the twenty-first amendment to the Constitution the Liquor Prohibition Amendment of 1919 was repealed.

Whatever might have been the forces against prohibition in America and whatever the causes that rendered that great experiment a failure, America's experience has taught valuable lessons to all countries. If only public opinion supports prohibition the reform will produce various benefits, but without the co-operation of the people it cannot be successful.

There was a controversy in America—and there were differences even among the leaders of the country—as to the benefits of prohibition, but the testimony of a majority, who studied the subject on the basis of statistics of family budgets, trade returns, and reports of Chambers of Commerce, is that prohibition did help to improve the economic condition of the people, in spite of evasions of the law. In 1920 on the eve of a Presidential election, President Wilson, claiming that prohibition was an achievement, said that it had greatly benefited the poor and the industrial workers. Men took home their wages which, before the introduction of prohibition, they had wasted in the saloons; the families were fed and clothed and more money went into the savings banks than before, he pointed out.

Herman Feldman, who made a thorough and dispassionate study of the subject, said that the worker, who formerly wasted his money in the saloons, brought it home and enjoyed the amenities of life. He availed himself of various forms of entertainment and, generally, kept the family happy and his children cheerful.

> "The abolition of the saloons seems clearly to have diverted a good deal of the contents of the pay envelope from uncontrolled social drinking to planned expenditure," he said.

This is a striking testimony to the benefits of prohibition to the worker.

In 1925 President Coolidge was of the opinion that prohibition had undoubtedly proved its case.

Increased temperance, he claimed, was responsible for a good share in the enormously increased efficiency in production. Not only from the economic point of view but from the social point of view of the family too, prohibition had been beneficial to the people. The Mayor of Oklahama found that it had not only promoted prosperity but avoided family troubles.

America provides a striking example of organized and well-planned effort at prohibition. The American experiment compels the attention of the world because America has given the lead in the modern world in various directions, and in carrying people towards the ideal of political freedom and the objective of ensuring the maximum happiness of the largest number. Other countries also tried the same experiment with varying degrees of success, but ultimately abandoned the reform.

Finland, a republic in Europe, provides an instance of energetic efforts towards prohibition by a State not so large as the United States of Amercia, but being small, could have been expected to achieve greater success than a large State.

In 1907 Finland passed a prohibition law but that piece of legislation was not approved by the Russian Imperial authority, for Finland was then an autonomous grand duchy of the Russian Empire. After she attained independence in 1917, she passed another law prohibiting the manufacture, transport, storage and sale of all alcoholic beverages of over 2 per cent. alcoholic content, except for medicinal and industrial purposes. Prohibition was enforced from 1919, but the law was abused and smuggling became

rife. Finland took the matter to the League of Nations and, under a treaty, the co-operation of neighbouring States was obtained in enforcing the reform effectively; still violations of the law continued and in 1928 the prohibition law was stiffened.

Finland. however, shared the same result with America. The people resorted to various methods of circumventing the law and a Government Committee in 1931 found that crimes due to alcoholic intoxication were larger in the decennium 1919-'29 than before, when prohibition was not in force. Thus under the reform the evil not only persisted but grew to alarming proportions. Government revenue had greatly diminished. There was a growing demand for repeal of the law and this demand was met in 1932. An experiment of 13 years had failed. The reform was withdrawn.

Turkey also tried prohibition for a few years till 1924, when she abandoned the reform in favour of a system of Government monopoly.

Russia was another country to adopt the reform and abandon it after a time. And her case was largely similar to that of India, because she has been deriving as large a revenue from intoxicating liquors and drugs as India has been deriving. In 1895 she adopted a system of State monopoly and, later, on the eve of the War certain stringent measures were introduced. These measures amounted to prohibition and were continued during the War. But as in any other country, where prohibition was tried, illicit sale grew in intensity and the law could not be enforced effectively. Revenue was seriously affected. In 1921

the restrictions on manufacture and sale were relaxed and, later, prohibition was repealed.

At present liquor trade in Russia is only subject to strict restrictions. Temperance is being promoted and the people are being educated against the drink habit. The average revenue from intoxicants is over 500 million roubles per annum.

Iceland, a small country, has provided critics of prohibition with a convenient illustration to support their objection to the abolition of liquors. This country, too, prohibited liquor by legislation, but could not sustain the measure for long.

Bhavanagar in India provides a refreshing example of successful working of prohibition. Date or coconut fermented toddy is not known to be in use in this State. The bulk of the excise revenue was derived from country spirits and imported liquor. In 1921 the manufacture, possession and sale of intoxicating liquors were prohibited and later imports were brought under the ban.

An article in *The Harijan* recently referred to Bahavanagar's experience and said that a State document showed that "disorderly behaviour and crimes of violence due to drunkenness have almost completely disappeared, and the moral and material condition of the lower classes, who used to waste all their earnings on drink, has steadily improved."

VI

METHODS IN INDIA

The Government of India have no desire to interfere with the haibits of those who use alcohol in moderation......Their settled policy is to minimise temptation and discourage excess. To the furtherance of this policy all considerations of revenue must be absolutely subordinated.

--Government of India on Excise Policy—1906.

Different systems of control over the trade in liquor had been adopted in different parts of India and at different times. The country being split up into various kingdoms and principalities, a uniform system could not prevail. A tax was levied on liquor and, in Bengal, till 1790, the zemindars collected this tax. This system led to excessive consumption because the zemindars were only anxious for profit and were not interested in promoting temperance.

When the British people took over the administration of India the farming system was generally in vogue; under this system the right of manufacture and sale of liquor in a territory was granted to the highest bidder. There was no restriction either on

the number of shops or on their location. The farmer conducted as many shops as he could run and sold liquor at all hours and at any price. In 1807 Sir Thomas Munroe found that liquor was manufactured and sold without any restriction except that it was subject to a tax.

In Burma the native rulers had prohibited liquor, but after the advent of the British licences for trade were granted for the benefit of the Europeans, Indians and the Chinese. The Burmese were not entitled to purchase liquor; still the law was evaded. The rules were modified later and different measures of control were adopted.

Since the beginning of the British administration the systems in the various Provinces were improved in the light of experience, but as conditions differed from one area to another a uniform system could not be adopted in all the Provinces.

The important systems which had been tried were the central distillery system, the free supply system, the monopoly supply system, the guaranteed minimum system, the modified distillery system, the outstill system, and the contract still system.

Under the central distillery system distilleries were maintained by Government and persons who had obtained the necessary permission were allowed to set up stills and manufacture spirit under Government supervision. The distiller paid a duty on each unit of liquor manufactured and a rent for the still. The right of manufacture was separated from that of sale. A licence fee was levied on each shop and the number of shops was limited.

The free supply system allowed freedom to manufacturers to set up distilleries of their own to produce liquor under Government supervision on payment of a fee. Under this system a licensed shopkeeper could obtain his stock from any manufacturer, not necessarily from a specified distillery.

The third system, namely the monopoly supply system, provided for a monopoly in favour of an individual of the right of manufacture in a particular area. The right of manufacture was distinguished from that of sale and the rate of supply to the vendor was fixed. The monopoly was granted to the highest tenderer.

The guaranteed minimum system was that under which the right of manufacture and the right of sale were sold together. The number of shops was limited and their location was fixed; the limits of the rental and the prices were also specified. A fixed duty was levied on each gallon of liquor issued. Tenders were invited and the successful tenderer paid duty on a minimum quantity and, if that limit was exceeded, on each gallon of the excess.

The central distillery system was modified and called the modified distillery system. Under this system the monopoly for both manufacture and sale was granted to a person who, instead of guaranteeing the payments due on a minimum number of gallons, paid a lump sum besides the fixed duty on each gallon.

The outstill system, which had been the subject of severe criticism and which had prevailed in Bengal

for a considerable time, provided for sale to the highest bidder. Each still was sold to an individual, and one or more shops were attached to each still. Under the farming system though a monopoly was granted to an individual yet a tax was imposed on each still. Payment of this tax required large capital and only rich men who could invest this capital sought the right of sale. But in the case of the out-still system each still being sold separately, any person could set up a still. This arrangement led to an enormous increase in the number of stills and thus resulted in intensifying the drink evil.

Under the contract still system an approved person was allowed to set up a still. The right of sale was kept separate from that of manufacture.

In spite of the various improvements introduced from time to time in the systems of control it was found that the consumption of liquor had not decreased appreciably. About 1870 the Government of India impressed on the provinces the need for effective control over liquor traffic and for safe and sound methods to check consumption. Still the evil continued to be serious and in 1874 Keshub Chunder Sen said: "the use of intoxicating liquors has done more than anything else to degrade the physical, moral and social condition of my countrymen and has proved a stupendous obstacle in the path of reform."

In a despatch to the Secretary of State for India in 1887 the Government of India stated that during the few years previously the Governments of Bengal, Bombay and Madras had revised their liquor control systems with a view to restricting consumption. The

tax on drink having been raised, the revenue had increased. While in 1855-56 the total revenue was Rs. 22½ lakhs, by 1869-70 it had swollen to Rs. 61 lakhs. In 1884-85 the revenue was over Rs. 70 lakhs. But from this it should not be inferred that the evil had spread widely.

The Government asserted that drunkenness in the English sense of the term hardly existed in India, and the condition of things was considered such a great success of temperance that if a similar condition existed in England it would be regarded as introducing a millennium of temperance.

VII

ANXIETY IN PARLIAMENT

The excise laws of India, the best and the worst of them, directly lead to an increase of the facilities for drinking and, as a matter of course, to an increased consumption of liquor with all its attendant evils.

—Mr. W. Caine, M.P.

April 1889 was a landmark in the history of excise administration in India. The condition of liquor trade and its effects on the people were the subject of a lively debate in Parliament; some of the members who contributed to the debate had had considerable experience of India and had studied the conditions of Indian people. Those who often condemn the British administration as one not intended to promote the welfare of the Indian people would have received considerable support for their criticism from this debate in Parliament. The debate reveals that some of the members were keenly interested in the moral well-being and physical efficiency of the people of this land.

Mr. Samuel Smith, member for Flintshire, moved that "in the opinion of this house, the fiscal system of the Government of India leads to the establishment of spirit distilleries, liquor and opium shops in large numbers of places

"where till recently they never existed, in defiance of native opinion and the protests of the inhabitants, and that such increased facilities for drinking produce a steadily increasing consumption and spread misery and ruin among the industrial classes of India, calling for immediate action on the part of the Government of India with a view to their abatement".

The systems which existed in Bengal, Bombay and Madras at that time were governed by the policy that liquor should be taxed and cousumption restricted as far as it was possible to do so without imposing positive hardships on the people and driving them to illicit manufacture. The Government of India contended that in carrying out this policy the provincial Governments had been successful. Still the situation remained serious.

Mr. C. S. Metcalfe, a high officer who had experience of excise administration in India, was of the opinion that because liquor was sold cheap consumption had increased. He complained bittterly against the evil, and remarked :—

"If I want a mochee to mend the harness, I have to arrange that he shall be sober the night before. A workman now drinks his bottle of spirit as regularly as he eats his food, and quarrels have become frequent."

This criticism largely applied to Bengal where the outstill system under which each vendor manufactured liquor at a licensed outstill was in force. The opinion of a Government Commission which

examined the problem in 1883-84 was that consumption had increased 135 per cent. in Bengal in ten years.

The Indian National Congress, perturbed by this condition, passed the following resolution ;

> "Having regard to the fact that a serious increase in the consumption of intoxicants has taken place under the system of abkari and excise now prevailing in India the Government be respectfully urged to adopt such an improved system as shall tend to discourage insobriety."

The British missionaries in India, who had been carrying on village welfare work in Bengal, found drink to be a great menace to the moral and material welfare of the people and in 1888 condemned the outstill system and urged that local option be tried. The outstill system was of course defective and the Government admitted the need for improvement, but the systems in other provinces were not equally bad as they were largely in accordance with the policy of increasing taxation and reducing consumption. In fact, the figures of revenue show that the rates of taxation had risen so steadily that the revenue increased by leaps and bouuds. In 1855-'56 it was Rs. 22½ lakhs : in ten years it doubled itself and in 1884-85 it rose to Rs. 70,413,41. The revenue was made of a tax on the manufacture and sale of country spirit, a small tax on sale of toddy, licence fees on sale of spirit, distillery licence fees and the tree tax, which was a means of controlling consumption of toddy.

Mr. Smith, the mover of the resolution, argued that the very despatch of 1887 from the Government of India to the Secretary of State justified the resolu-

tion. He contended that the despatch sought to defend the system of excise in force at that time. He condemned the policy of the Government of India on two main grounds, namely the deleteriousness of liquor and the economic effects of drink on the masses. The climate of India and the constitution of the people, he said, made liquor little else than poison to the people and, when taken to excess for a short time, it killed them. Considering the economic aspect he deplored the poverty of the people, the average income being only about 3 d. per day per head as he put it. This sum, he added, was barely sufficient to keep a family alive, and a penny a day spent in drink reduced the people to starvation.

He was aware that the drink revenue was a very large proportion of the total receipts of the Government and was of the opinion that it was easily raised and that Government was anxious to retain it. "The revenue of £500,000 raised from the sale of drink and other intoxicants blinds the eyes of the Indian officials," he remarked. The member criticised the system in vogue as one which helped the man who sold the largest quantity to obtain the contract for sale. For the officials were anxious to increase the revenue as best as they could do. Under the outstill system any man could run a still and manufacture and sell liquor, there being no restriction of any kind. The official, he alleged, was also responsible for increasing consumption for, "every official in India is looked upon with favour more or less in proportion as he increased the revenue contracts."

This member of Parliament in 1889 was even more vehement than the extremist politician and prohibitionist in India. He pleaded "I am trying to stop ravages compared to which those of war and pestilence are but lesser evils."

> "A wasteful system of finance has brought the Government of India to lean more and more on immoral sources of revenue and so we go on poisoning the natives of India with drink as we have poisoned the Chinese with opium. We should insist that the revenue of India should be raised by moral means, by means consistent with the true interests of India," he declared.

Mr. W. Caine, who seconded the motion, was equally trenchant and said that the excise laws of India, the best and the worst of them, directly led to an increase of the facilities for drinking, and as a matter of course, to an increased consumption of liquor with all its attendant evils.

Another member condemned the excise administration in India as the worst in the civilized world and remarked that the worst and rottenest of the various systems in India was that of Bengal.

Some of the members of Parliament thought that Mr. Smith's speech was characterised more by warmth of feeling than by accuracy of facts. Sir Roper Kethbridge (member for Kensington North), criticised Mr. Smith's statement as exaggerated, but agreed that the Government's policy encouraged drunkenness and that stringent restrictions were

necessary. Speaking on the basis of Indian social opinion about the drink evil, he was confident that even the extreme measure of total prohibition would be popular. He did not consider that illicit distillation, in spite of facilities for such distillation, was a serious menace because, he thought, Government rules, public opinion and social custom would be a great help to the excise officers in preventing that offence. But he admitted that the revenue aspect of the subject was the most serious problem and added that Parliament would not be justified in doing anything which would add to the tax burden of the people.

Mr. Walter M. Laren (Cheshire) favoured local option. His suggestion was that if only the Indian people were given anything approaching local option in this matter, a proper solution of the drink problem could be reached. On this, however, there was a keen difference of opinion and many were afraid that local option would not be effective.

Sir J. Gorset (Under-Secretary of State for India) explained that the Government's policy was to restrict consumption and quoted from the despatch of 1887. Each province had its own system of excise administration and so various systems were in force. He agreed that changes might be necessary but asked the House to remember that consumption of liquor had decreased. He referred to the features of the systems in force and repudiated the allegation that officials were anxious to increase revenue.

The strength of opinion on the subject among members of Parliament is reflected in the voting on

the motion. The House was almost equally divided and the resolution was carried by a majority of three votes, 113 members voting for the motion and 110 against it.

The debate in Parliament provoked thought in India and the Government indignantly repudiated the allegations against them. They defended their policy and contended that the criticism in Parliament was based on wrong data and on insufficient information. They protested that the allegations related largely to the system in Bengal, which wās admittedly bad, and complained that it was improper to criticise the excise administration in the whole country on the basis of the system in one Province.

There was no room for doubt, Government pointed out in a despatch of February 1890 "that illicit distillation prevails in many parts of India, that it is easily carried on and that it is difficult to detect it". They pleaded that this tendency was a serious obstacle to raising the price of liquor by the imposition of a heavy duty. Every excise system in force in British India did, at any rate in some degree, check drinking as it limited the number of shops, restricted sale to certain hours and raised the cost of liquor by imposing a heavy duty, they claimed. During the 18 years from 1870-71 to 1888-89 the rate of duty on imported spirits had been raised by 66 per cent. Still consumption had increased by 142 per cent. The increase in consumption was due, to an extent, to the increased prosperity of the people. In 1893 Dewan Bahadur S. Srinivasaraghava Ayyangar, a well-known and able administrator of his

time in the Madras Presidency, expressed the view that the allegation that Government was directly interested in extending the consumption of drink was absolutely untrue so far at any event as the Madras Presidency was concerned.

The Government of India in their despatch stated that Prohibition was impossible in India and local option was impracticable. After considering various plans they laid down that their policy was that intoxicating drugs and liquors should be taxed as highly as the tax could be enforced, that the traffic should be conducted under regulations, that the habit of drinking should be discouraged, that the number of shops should be strictly limited and that efforts should be made to ascertain local opinion and reasonable deference paid to such opinion.

VIII

TOWARDS TEMPERANCE

It is only when a sufficiently strong public opinion against the excessive use of alcohol has been created not only among those addicted to it but in all classes of society that a large advance towards the restriction of supplies can safely be made.

—Madras Excise Report for 1928-29.

As was indicated in the previous chapter the methods by which the Government of India promoted temperance were discouraging the drink habit by raising the tax on spirits to as high a level as possible but without giving rise to illicit methods, raising tree-tax and keeping consumption at the minimum. These measures were intended to reduce consumption, not to abolish drink altogether.

In 1918 for the first time the Imperial Legislative Council interested itself in Prohibition. On Feb. 20 of that year the Hon. Mr. B. N. Sarma moved a resolution recommending to the Governor-General that the Goverment do declare total prohibition as the object of excise policy and direct its methods towards that goal.

Replying to that resolution the Government said they had no desire to interfere with the habits of those

who used alcohol in moderation. That interference was regarded by them as outside the duty of the Government and, it was necessary in their opinion, to make due provision for the needs of such persons. Their settled policy, however, was to minimise temptation to those who did not drink and to discourage excess among those who did; and to the furtherance of this policy, they agreed, all considerations of revenue must be absolutely subordinated.

The Council consisted of an official majority and the resolution was voted down. But the division showed that all the non-official Indian members supported the move for prohibition.

The system in Madras, after it had developed in course of time, was praised as perfect and some of its aspects were copied by other Provinces.

In 1807 Sir Thomas Munroe found that liquors were manufactured and sold without any restriction except that they were subject to a tax. The farming system was generally in force; the manufacture and sale of liquor were farmed out to contractors. In the course of a few years regulations were framed to control the trade effectively. But, largely, the system remained the same. In 1864 an excise law was passed and Government took power to levy an excise duty on the quantity of liquor manufactured instead of being satisfied with an annual payment. Illicit distillation being considered an evil, the home fermentation of toddy, which had been allowed formerly, was prohibited in all places except where it was known for certain that the concession would not be abused.

Twenty years hence a form of monopoly was introduced; the right of manufacture was separated from that of sale of liquor and the monopoly was granted to an individual, a fixed duty being levied on each gallon of liquor manufactured and a fixed fee being collected from each shop.

The excise administration had, in course of time, grown so enormously in importance that a special officer, the Commissioner of Abkari, was appointed in 1866 to be in charge of the Department,

The monopoly system had not worked for a long time when the free supply system took its place. In the last few years of the last century Madras developed a good system of controlling liquor. Revenue had increased and, according to the policy of the Government of India, consumption had been checked. In 1905-06 a committee of the Government of India examined the system in Madras and in other parts of the country and suggested measures for improvement.

It was urged that an increase in the rate of tree-tax was immediately called for, that shops should be reduced and that the policy of minimum consumption and maximum revenue should be scrupulously followed. On the basis of the Committee's report the rates of duty on spirits were increased and the number of shops was steadily reduced. Whereas in 1906 there were 10,239 arrack shops and 18,684 toddy shops in 1919-20 the number fell to 6,046 arrack shops and 10,727 toddy shops. Mr. D. N. Strathie, I. C. S., found that taking all kinds of licences together, there was in Madras one shop for every 2,394 inhabitants

as against one for every 360 inhabitants in England and for every 964 in New Zealand. The policy of reduction of consumption by regulated methods was pursued consistently and in 1917 a committee found that that policy was working satisfactorily. The limit of personal possession of liquor was reduced. The Excise Committee of 1905-06 having recommended that local opinion should be consulted in regard to the location of shops, measures to secure this end were adopted.

In the 20 years from 1906 to 1926 the tax was raised by 92·9 per cent in the case of country spirits, by 50 per cent. in the case of toddy and by a surprisingly large percentage in the case of beer; vend fees were also increased.

The Montagu-Chelmsford Reform period was one of constant agitation for gradual progress towards prohibition. In Madras the members of the Legislative Council realised their responsibilities under dyarchy. They knew that, finance being a reserved subject, they should be cautious in making experiments which might affect the progress of the nation-building departments as a consequence of the loss of revenue from a long step towards prohibition. They were anxious more to make a beginning towards the goal than to take a hasty step which might land them in serious difficulties.

The Ministers in charge agreed that prohibition should be the goal of temperance work and the object of excise policy, but they did not make a substantial beginning. A few efforts were made, but they were not part of a well-thought-out plan; nor did

Government tackle the financial problem by deciding on the sources of revenue to be tapped to make up for the loss of revenue from prohibition at a later date. The Ministers were faced with difficulties and Sir A. P. Patro, Minister for Excise in 1925, gave out the truth about the helplessness of the Ministry when he said that at that time no Ministry could carry out the bold programme of total prohibition, for finance was not under the control of the Ministers. Therefore, he added, little real object was gained in saying that excise was a transferred subject and was, therefore, under the control of the Ministers.

This was true; unless with the co-operation of the Reserved Half no progress could have been made towards the goal. But the Ministers lacked the detemination to carry out a sound programme which could be the first but firm step towards a scheme of prohibition.

Shortly after the inauguration of the Council, the non-official block drew Government's attention to the problem of prohibition and in August 1921 a resolution appointing a committee to investigate and suggest means to improve the excise system was passed. Mr. A. S. Krishna Rao, who moved this resolution, urged that prohibition should be the goal of excise policy and pleaded that the introduction of local option immediately should be considered.

The Committee collected evidence from different sections of people. A questionnaire was issued to 245 persons, including 51 Europeans. Of these 95 advocated total prohibition and one hundred and thirty-five persons favoured local option.

The main point of the evidence was that prohibition should be the goal and not the immediate objective. Some who were acquainted with the working classes were pessimistic about total prohibition. "Arrack," an excise officer said, "could be prohibited in 30 or 40 years, but toddy never at all." He admitted that there was a general feeling that drink was bad, but still the people thought they could not give it up. For the labouring classes it was considered a necessity.

The Rev. D. G. M. Leith, a respected missionary, was convinced that prohibition could not be introduced immediately; so he recommended local option and suggested that the beginning be made in Madras City. He wanted that local option should be confined to the sale of liquor and thought that as the number of shops would be reduced as a result of this reform a portion of the staff could be diverted to checking illicit methods.

The Rev. J. H. Maclean, another missionary, also supported local option; still several persons including a representative of the Depressed Classes, expressed fears about it.

The Committee considered the reduction of consumption by raising prices and similar methods. Mr. Leith urged that the doubling of prices would bring down consumption considerably. The Committee recognized that this was a useful method but found that the prices having been raised during the previous ten years, a further increase was not possible.

The Committee was not unaware of the financial aspect of the reform and directed its attention to pos-

sible sources of alternative revenue. Dr. John Mathai and Mr. Suryanarayana Rao suggested surcharge on income-tax, super-tax on land revenue, death and partition duties, export-tax on tea, coffee, tobacco, groundnut and a few other commodities such as raw cotton, hides and skins as possible and fruitful resources.

Dr. John Mathai expressed his opinion also on other aspects of the drink problem and said that the effects of toddy being less deleterious than those of arrack, it was not necessary to bring toddy under greater control than it was at that time. He warned prohibition enthusiasts that any attempt at prohibition of toddy would involve the employment of an enormously expensive staff. He thought that there was not much danger in bringing arrack alone under effective control, leaving toddy as it was, for, he pointed out, the real competitor with arrack was not toddy but cheap foreign spirit.

The Committee itself examined the question of toddy in detail and recognized the fact that a large number of people regarded this drink almost as a necessity of life. It was also found that the injurious effects of toddy were not as considerable as those of arrack.

On the question of immediate legislation providing for local option the Committee came to the conclusion that "at the present stage of education in the Presidency local option on the basis of adult suffrage would be an experiment of very doubtful value." But the Committee recommended that, subject to necessary financial adjustments, the consumption of arrack

should be so regulated as to eliminate it within a specific period, say twenty, thirty or thirty-five years.

The Committee felt that as a means of reducing the temptation of drink the non-official public should be consulted in regard to the location of shops and on the main aspects of excise administration. For, the association of non-officials with Government officials would act as a check on the latter in cases where these were inclined to give greater attention to the revenue aspect of excise policy than to the temperance ideal. So the Committee recommended the constitution of licensing boards with non-official majorities for large urban areas with a population of over 50,000 to advise the authorities in regard to the regulation of sale, and advisory committees for rural areas, including small municipalities. The licensing board for Madras City was to be granted extensive powers.

It was realised by the Committee that these measures would not bring about an automatic reduction in consumption. The Committee did not claim that it had recommended a long step. It was aware that it had only urged moderate reforms and that its recommendations only opened the field for a definite experiment in regard to restriction in limited areas. It considered that an attempt to reach the goal by a short-cut would be attended with disastrous consequences and that steady progress was the only safe course.

Mr. C. V. Venkataramana Ayyangar, a member of the Legislative Council at that time and a prominent leader of non-official opinion, was quite dissatis-

fied with the Committee's recommendations. He was anxious that Government should declare total prohibition to be the goal of excise policy and reach that goal not in a vague future but in a fixed time. The quantity of drink should be reduced year after year so that the goal might be reached in a few years. There was no use of restricting the sale of arrack alone, for that would only increase the consumption of toddy, he said.

Mr. A. Ramaswami Mudaliar (now Sir) and Mr. P. C. Ethirajulu Nayudu, in a minute of dissent to the report, agreed that the consumption of intoxicants was not only heavy but was seriously subversive of the economic and moral progress of the nation. But it was undeniable, they said, that total prohibition or even radical reduction of consumption in the then state of the country should be regarded as impracticable. They agreed that the constitution of licensing boards and advisory committees would be a great improvement, and emphasised the need to provide counter-attractions. For, only counter-attractions could remove the real cause of intemperance, namely the dullness and monotony of life of the villagers owing to the absence of healthful recreation and facilities for social intercourse. They suggested the organization of workmen's clubs and other recreative institutions with the primary object of controlling drink traffic. Reform should not only be destructive, but should be also constructive, they added.

Mr. H. B. Ari Gowder, who had made a study of the conditions among hill tribes, asserted that the Government should be prepared to sacrifice the excise revenue and "cut the coat according to the cloth."

He was confident that the problem of illicit distillation could be tackled easily by imposing heavy penalties on offenders.

In 1925, an excise consultative committee of the Council examined the subject and Mr. T. A. Ramalingam Chettiar expressed the opinion that the scheme of reform should lead to automatic progress and should cover the whole Presidency. Reduction of shops alone had not led to reduction of consumption. He recommended the adoption of the rationing system as was in operation in Bombay, under which system the issues of liquor were limited every month on the basis of the average consumption in the previous year and the issues to particular shops. Rationing, Mr. Ramalingam Chettiar pleaded, should be applied both to country spirits and to foreign liquor.

In the meantime the excise administration was being improved. In the 20 years from 1906 to 1926-27 there had been an enormous rise in revenue, the rates of taxation having been steadily increased. While in 1906 the revenue from country spirits was Rs. 86·08 lakhs in 1926 it was Rs. 205·5 lakhs. The revenue from toddy was Rs. 99·23 lakhs in 1906 and Rs. 231·92 lakhs in 1926-27; the revenue from foreign liquor had increased about 135 per cent.

The Commissioner of Excise observed in his report for the year 1926-27: "It is clear that the policy followed of steadily increasing the cost of intoxicants to the consumer has acted as a real check on consumption. The check to the consumption of licit liquor has, however, been accompanied by a marked increase in illicit practices."

IX

UNDER THE MONTAGU REFORMS

The ingenuity of the authors of the Reforms of 1919 transferred this (Excise) revenue to the so-called responsible part of dyarchy so as to throw the burden of prohibition on it......If the unhappy Minister wipes out this revenue he must starve education since in the existing circumstances he has no new source of replacing that revenue.

—Mahatma Gandhi.

The debates on the subject in the Madras Legislative Council and the successive administration reports of the Excise Commissioner reveal details of the efforts made in Madras towards temperance. In 1923 following the agitation for the abolition of drink at least in areas occupied by backward people, the Government introduced an experiment of prohibition on the Nilgris and forbade the sale of drink to the hill tribes, except on the production of medical certificates. This experiment was not successful and did not justify optimistic expectations, because having been habituated to liquor, the tribes found it impossible to abstain from it. They resorted to various means to evade the law and often obtained their needs through middlemen outside the scope of prohibition, a malpractice which could not be checked easily.

There was now a wave of enthusiasm in the country in favour of prohibition. Mahatma Gandhi was condemning drink vehemently and urging the need to save the people from liquor which, he pointed out, was one of the causes of the impoverishment of the masses. Congressmen who were criticising the Ministries in the Provinces and attacking dyarchy counted the continuance of the drink evil as a serious charge against the Ministers and as an illustration to expose the hollowness of the Montagu-Chelmsford Reforms. Prohibition was cherished as a national ideal and some of the local bodies refused to allow trees in their property to be leased for tapping.

In 1924 as an experiment in the prohibition of arrack in areas where large quantities of toddy were sold the sale of arrack was prohibited in Shiyali, Tiruturaipundi, Tiruvadanai, Tenkasi and Attur. The limit of possession of liquor for personal consumption was reduced from four to two drams in these five taluks.

In 1927-28 an effort at propaganda by the public health staff was made, the officers of the Health Department being authorised "to draw attention in their lectures to the effect of intoxicants on the human system and to the evil results of an excessive use of them."

But this scheme lacked the potentialities for good; it was not effective as a measure of temperance propaganda and the public health staff did not exert any restrictive influence on the excise department in regard to the location of shops. While the facilities for

drinking remained unaffected and the temptation of the liquor cup continued to be irresistible, the health staff were just cataloguing the evils of alcohol!

These were half-hearted measures. The closure of shops was not quite a success and illicit practices increased. The Excise Commissoner observed " it is only when a sufficiently strong public opinion against the excessive use of alcohol has been created not only among those addicted to drink but in all classes of society that a large advance towards the restriction of supplies could safely be made." He hoped that Government propaganda would help in this task.

Nothing substantial was done and no definite beginning towards the goal of prohibition was made, nor were alternative sources of revenue decided upon. The Council gave no peace to Government and brought the question on every possible occasion by way of questions, cut motions during the budget discussion and special resolutions. The Ministers were helpless and in March 1927 the then Minister attempted to explain his position by means of a constitutional conundrum. He doubted whether prohibition could at all come within the scope of the provincial Government. He argued that though excise was a transferred subject yet the Abkari Act was not specifically included within the list of such subjects. To introduce prohibition penalties for offences under the prohibition law would have to be imposed and for this the Penal Code which was within the jurisdiction of the Central Government would have to be amended. So, he told the House, total prohibition appeared to be not only a reserved subject but a central subject.

The progress so far made was the reduction of the strength of liquor and of the number of shops, restriction of private consumption, enhancement of duties and curtailment of the hours of sale.

In 1928 the Council considered a resolution recommending prohibition in five years and the inauguration of the reform immediately in five districts. Amendments were moved; one of then was that prohibition should be the goal to be reached in ten years instead of five and another that prohibition be achieved in twenty years. The latter was passed and thus the Council advised the Government to enforce prohibition within twenty years.

Government still hoped for progress by means of propaganda and determined to improve the arrangements in this direction. In the latter part of 1929-30 a scheme of propaganda costing Rs. 4 lakhs was inaugurated. A central propaganda board was formed in Madras City and committees were organized in the districts. The results of this scheme were not satisfactory but critics were told that educative work could not be judged in a hurry. The Excise Commissioner observed that propaganda would take time to produce effects and, added optimistically, that, if conducted on proper lines, it was bound to influence public opinion, especially if women could be persuaded to take a practical interest in the movement.

An important step towards the closure of shops was the closure in 1929-30 of 11 arrack and 22 toddy shops in the Tiruchengode, Rasipuram, and Namakkal taluks of the salem district as an experiment in total prohibition. Further, throughout the Presidency

all liquor shops (except toddy shops) were closed on election days within three miles of polling stations; some classes of shops were also closed on holidays.

The excise revenue suffered a heavy diminution in 1931-32 when on account of the economic depression and the picketing of liquor shops by the Congress the revenue fell by about Rs. one crore. The temperance propaganda scheme had not produced good results and, largely on account of financial stringency, it was abandoned in August 1931.

The experiment in total prohibition inaugurated in 1929-30 proved a failure in 1931-32. The Excise Commissioner found that the drinking classes walked long distances to obtain liquor from areas where it was not prohibited. The time they would otherwise devote to their daily work was taken up by this effort at obtaining liquor. For this waste of time they suffered in the diminution of their earnings, but the evil remained. Only, instead of getting the liquor from their own village they obtained it at considerable effort from another.

When the craving remained men employed all possible means to satisfy that craving. Illicit distillation and other violations of the law increased. In one circle the number of offences detected rose from 225 in 1930-31 to 551 in 1931-32. As a measure of temperance, from 1925-26 the strength of arrack was reduced from 35 under-proof to 38 under-proof in a few districts. But the taste for strong liquor continued to be irresistible and, especially when such strong liquor could be obtained, though under restric-

tions, the reduction of strength was futile; so the old state of affairs was restored in 1934.

The closure of certain classes of shops on election days and on holidays did not result in any perceptible benefit. In Tenkasi and Attur where arrack shops had been closed, illicit distillation and other malpractices grew to immense proportions and so the shops were reopened in 1933.

The experiment in total prohibition in three taluks of Salem did not produce any better result. The Excise Commissioner, analysing the causes of the failure, said:

> "It was realised from the beginning that the success of the experiment must depend upon the ability of workers in the cause of temperance and social reform to keep alive among the classes which most frequent the liquor shops a resolve to abstain from the drink and also on their cooperation with the officers of the Excise Department to watch for and prevent the provision of illicit supplies. The expectation that these conditions would be fulfilled was not realised."

Government, therefore, declared the experiment to have failed and reopened the shops in the "dry" area, from April 1, 1933. The Government were sorry that the working of the scheme and the results of the experiment had not been encouraging, but they were prepared to introduce the scheme again, if public opinion should demand it, by showing a genuine desire to abstain from alcoholic liquor.

The closure of shops on Sundays in some areas led to malpractices; the people generally bought large quantities of liquor on the previous working day and reserved a part of the stock for Sunday. This reform of "Sunday Prohibition" was withdrawn from April 1, 1933. The rule for closure was, however, retained in regard to foreign liquor shops. The closure of arrack shops in certain toddy-drinking areas and the prohibition of the sale of liquor to the hill tribes on the Nilgiris, except on the production of medical certificates, continued during 1934-35. In that year it was felt that the restriction on private possession of toddy without licence should be stiffened; the limit was reduced to half a gallon throughout the Presidency except in certain special areas where the limit was one gallon. Subsequently no important scheme of reform was tried.

The position according to the latest report is that on an average there is one shop for 15,908 persons in municipal areas. The consumption of country spirits in 1936-37 amounted to 999,685 proof gallons against 938,814 in the previous year, the increase being due to the decrease in the selling price of liquor, the opening of new shops, and the rigour of the control over illicit practices.

The total revenue under toddy was Rs. 2,15,43,224 as against Rs. 2,21,67,310 in the previous year.

Illicit distillation was becoming common in the Salem District except in the Hosur and Krishnagiri Taluks.

[Prohibition was introduced in this district in October 1, 1937. The report related to the year 1936-37, that is, for the year ending with March 1937.]

Concluding, the report states: "There was an increase in the consumption of arrack and opium and a decrease under foreign liquor and ganja.

"The duty on country spirits was reduced by about 25 per cent. throughout the Presidency with effect from April 1, 1935, as a necessary part of the operations for the suppression of illicit distillation; this resulted in an increase in the consumption of licit liquor during 1935-36, by 19 per cent. over the figures for 1934-35. The figures for 1936-37 showed a further increase of about 4 per cent. over those of 1935-36 and this is attributed partly to the continuance of the reduced rates of duty and the strenuous attempts made to bring illicit distillation under control.

"There is no doubt that reduction in duty and the provision of more or less adequate sources of licit supply in the last two years have contributed to some extent to the replacement of illicit liquor by licit.

"Nevertheless, successful raids conducted by officers in various parts showed only too clearly that illicit distillation crime was still very widespread.

"This class of crime has affected very badly certain parts of the Province and has so deeply knit itself into the economic life of certain classes of people in some areas that it has become exceedingly difficult for the Department with the limited staff at its disposal to achieve the success it would wish in controlling crime in such areas.

"In certain parts of the Cuddapah district, in the Chicacole circle and in some other areas this class of crime is rampant. The Commissioner has had occasion to notice this while accompanying raiding

parties during his tours. In one of these raids the attitude of the people of the locality was so hostile that the raiding party would have found itself in a very dangerous predicament had it not been for the presence of the Commissioner and the Assistant Commissioner at the time. The situation was found to be so bad in the Chicacole circle of the Vizagapatam District that the sale of ippa arrack at a very cheap price had to be introduced there with effect from April 1937 to combat illicit distillation.

" Special efforts are being continued by the Department, and the Commissioner has no doubt that despite various difficulties the staff is doing its best and making brave efforts to prevent breaches of Abkari and opium laws. The Commissioner has no doubt, also, that unless the staff is considerably strengthened and there is more decisive public opinion against illicit distillers and more effective co-operation from the general public in those areas where crime is so widespread, there is little chance of the efforts of the preventive staff being attended with more than very partial success.

" The experiment of closing arrack shops in toddy-drinking areas continued to be in force in Shiyali and Tiruturaipundi taluks of the Tanjore District and Tiruvadanai and Paramakudi Taluks of the Ramnad District. No crime of any serious nature was reported during the year in these areas.

"No temperance work of any importance was done by private associations."

X

PROHIBITION THE ONLY SOLUTION

Liquor traffic is a cancer in society;
it must be eradicated. All attempts
to regulate the cancer will not only prove
abortive but will aggravate the evil.

—**Dr. James Smith.**

The history of the systems of liquor control and of the efforts made in various countries to introduce prohibition show that these systems as well as experiments in total prohibition have not effectively reformed people or checked the evil of drink. Liquor traffic continues to be as serious a problem as ever before. In India it is an important source of revenue. Though this revenue forms a good slice of the total receipts of Government, yet when India has sacrificed Rs. 9 crores of opium revenue it should not be difficult for the Provinces to sacrifice the liquor revenue.

The methods of regulating the sale of liquor show that the enhancement of prices as a means of reducing consumption has resulted generally in an increase of revenue, though it is doubtful whether as a result of such enhancement consumption has perceptibly diminished. Shops have, however, been reduced. While in 1906—07 there were 1,865 toddy

shops in Madras, 1,303 in Bombay, 4,251 in the United Provinces and 1,140 in the Central Provinces, in 1919-20 there were 1,074 in Madras, 1,069 in Bombay 2,463 in the United Provinces and 477 in the Central Provinces. By 1923-'24 there had been a further reduction.

On December 7, 1906, the Government of India, explaining their policy towards the drink problem, said:

"The Government of India have no desire to interfere with the habits of those who use alcohol in moderation; this is regarded by them as outside the duty of the Government, and it is necessary in their opinion to make due provision for the needs of such persons. Their settled policy, however, is to minimise temptation to those who do not drink and to discourage excess among those who do, and, to the furtherance of this policy all considerations of revenue must be absolutely subordinated. The most effective method of furthering this policy is to make the tax upon liquor as high as it is possible to raise it without stimulating illicit production to a degree which would increase instead of diminish the total consumption, and without driving the people to substitute deleterious drugs for alcohol or a more or less harmful form of liquor. Subject to the same considerations, the number of liquor shops should be restricted as far as possible, and their location should be periodically subject to strict examination with a view to minimise

the temptation to drink and to conform, as far as possible, to public opinion."

This policy has been steadily pursued, but the evil still persists. The number of shops is being reduced, but illicit practices continue and offences against the law cause grave concern to those interested in further measures of reform. The successive administration reports of the Excise Department reveal the seriousness of this problem.

It is argued by many that restriction of sale has not generally increased temperance but has only promoted illicit methods and affected the excise revenue. For instance, the Civil Disobedience Movement which included the picketing of liquor shops, affected the revenue to an extent, but the liquor traffic still continued and, according to Government reports, the picketing of liquor shops only led to violation of the rules and to increase of illicit production instead of to abstinence or moderation. From this it is argued that the evil of drink cannot be put down unless public consciousness is effectively roused and the people determine to rid themselves of the evil. Those who advance this argument emphasise the value of temperance, but the experience of Madras is that, in spite of the expenditure of a large sum of money in two years in the past on propaganda, comsumption did not diminish perceptibly. Nor have the methods of tinkering with the problem served to ensure progress. The history of the experiments in the prohibition of arrack in toddy-drinking areas and of prohibition among the hill tribes on the Nilgiris shows that, leaving the matter largely to public propagandists will only put off effective reform.

"The evils resulting from the legally protected liquor traffic are of such colossal magnitude that the only proper attitude for organized society or the State toward that traffic is that of opposition or prohibition rather than that of protection"[1]

"Liquor traffic is a cancer in Society; it must be eradicated. All attempts to regulate the cancer will not only prove abortive, but will aggravate the evil" pleaded Dr. James Smith, a well-known American prohibitionist.

Various methods have been thought of as means to prohibition; of these local option has been a popular one in some countries. Under local option the State does not enforce prohibition but leaves it to the option of the people of each unit or locality. This is considered to confer on the people the right of choice but there is a possibility of a vicious majority in an unwholesome centre of population forcing its will on the rest of the population. An important objection to local option is that this method will not help rapid progress.

This was tried in Salem in 1918, but though there was an abatement of the evil in the area where it was in force the evil grew worse in neighbouring areas. Smuggling and other malpractices also contributed to the failure of local option. "Regulating the cancer is a waste of effort, for the desease is serious and must be rooted out. Local option is only a temporizing measure."[1] Even if it is successfully

1. D. Leigh Colvin—*Prohibition in the United States of America.*

enforced, it cannot prevent people from migrating to areas where local option is not in force and indulging in drink. Therefore, it is contended that the best means to rid the nation of the drink evil is prohibition.

It is deplorable that the whole problem of removing the drink evil is clouded by the financial aspect. The Taxation Inquiry Committee (1924-'25) devoted due attention to this aspect and realised the seriousness of the problem when it said, " the conclusion is unavoidable that progress in the direction of temperance requires a full consideration of all the attendant circumstances and that there is a very serious danger of a heavy loss of revenue with little corresponding advantage ". This view was based on a survey of the efforts at regulated control with an eye to reducing consumption. But prohibitionists are not worried about the financial implications of the reform. They say that the liquor revenue is unjustifiable. They are convinced that half-hearted measures will not produce much good and will only lead to loss of revenue without a corresponding advantage, morally or economically.

The Taxation Inquiry Committee observed that the policy of prohibition involved not only the extinction of the excise revenue but the effective abolition of drink and drugs, both licit and illicit. In the opinion of a member of the Committee, himself an ardent prohibitionist, "it is worse than useless to attempt to secure the first objective without taking effectual steps at the same time to secure the second."

If prohibition is to achieve its object, it should be accompanied with effective measures against illicit practices. And, here again, the issue is clouded by the financial aspect. Besides incurring a heavy loss of revenue—in Madras about a fourth of the total revenue, and in other provinces a slightly smaller percentage but still a considerable slice of the revenue —a large expenditure will have to be incurred on the maintenance of an adequate preventive staff. In America the cost of the preventive agency was about Rs. 13 crores in 1923. In India the Taxation Inquiry Committee estimated this cost at 18 per cent. of the whole of the present tax revenue. Therefore, unless alternative sources of revenue are found, prohibition will not only involve the State in a heavy loss of revenue but also in a large expenditure.

Apart from the financial aspect of the problem, a discouraging feature of conditions in India is the abudance of facilities for obtaining the base for the production of liquor. Toddy can be produced almost at the backyard of each house and this circumstance baffles even the most ardent prohibitionist.

The Government in former years and also a section of the public had contended that drunkenness did not prevail in this country and that, therefore, there was no need for prohibitlon. But the economic effects of drink on the poor cannot be ignored. The drink evil prevails largely among the labour population in urban areas and among the masses in villages. The Royal Commission on Labour (1929-'31) recognized the seriousness of the evil among the former class. It observed that "alcohol offers its dangerous

relief to a fatigued body" and suggested that "a reduction of the consumption of liquors would increase the welfare and efficiency of industrial workers".

All who have considered the drink problem are agreed that the drink evil should be rooted out, though some still support the view expressed by Edmund Burke that "the stopping of the distillery economically, financially, commercially, medicinally and in some degree, morally, too, was a measure rather well-meant than well-considered. It is too precious a sacrifice to prejudice". The necessity of liquor for industrial or medicinal purposes is recognized even now but no public worker, and, indeed, none who has studied the family budgets of the poor and analysed the causes of their ruin and degradation can agree that the general statement of Burke made a century and a half ago can be justified by modern conditions.

Some critics argue that an accelerated programme of temperance is the solution of the problem, while others affirm that prohibition is the only effective remedy.

Many who have studied the progress of measures in Madras have expressed approval of the improvements made here in the system of controlling the trade in liquor. Mr. D. N. Strathie, I.C.S., who has made a masterly study of the subject warned us in 1921 that "if prohibition is ever to become a practical proposition in India it will have to be introduced gradually and carefully and will have to be accompanied by years of patient labour in the task of raising

the moral tone of the masses while, wherever it is introduced, its introduction will involve the employment of a staff the cost of which will only be less than the enormous amount of revenue lost".

He claimed that the Madras system was "a temperance measure and one, moreover, which earnest students of the problem have reported as the best".

The Madras methods, he added, "had not so far included the more extreme measures that had been tried in other countries, for the reason that those measures had yet to be proved to be more successful or even as successful as the measures enforced here. At the same time the Madras system afforded ample scope for development in the direction in which the best temperance opinion desired development to take place".

One of the arguments against prohibition is that it interferes with personal liberty, that inasmuch as moderate drinking is not injurious to health it is not right for any government to deny the individual a small quantity of liquor which, in many cases, acts as a stimulant or gives relief to the fatigued body. It has already been explained that, in the opinion of doctors, the relief or the stimulus derived from drink is not without its deleterious effect in the long run and that, as drink even in small quantities affects the economic well-being of the poor, the habit of drinking should be rooted out.

The point that it interferes with personal liberty rests on flimsy grounds. The object of any government is to promote the happiness and well-being of

the people. Personal freedom is the right of an individual, and any modern State recognizes that liberty of action within reasonable limits is the birthright of a citizen. But where a practice is against the moral and economic well-being of the individual and the community and militates against the end of the State namely, the promotion of the well-being of the community and the prevention of practices which impede man in his efforts to reach perfection, it is the duty of the State to check that practice. "The liberty secured by the constitution to every person within its jurisdiction does not impart an absolute right for each person to be at all times and in all circumstances wholly freed from all restraint. There are manifold restraints to which every person is necessarily subject for the common good; on any other basis organised society cannot exist with safety to its members." This was the view of the Supreme Court of the United States of America in a case which raised the point that prohibition interfered with the constitutional right of an individual in that it affected personal freedom. The Ohio Supreme Court held that personal liberty was subject to such reasonable regulations as, in the wisdom of the legislature, were regarded as necessary to promote not only peace and good order but also well-being; liberty did not mean licence. American Courts have decided in various cases that prohibition cannot be regarded as interfering with personal liberty in any sense.

XI

THE CONGRESS CAMPAIGN

It is deplorable to hear that people have become more addicted to drink because it has been thought to be an adjunct of Western civilization. I am one of those who believe that safety lies in complete abstinence.

—Alfred Webb, M.P.

Under the Montagu-Chelmsford Reforms the progressive realisation of prohibition was often declared to be the goal of excise policy; the ideal of gradual intensification of temperance measures so as to introduce prohibition ultimately was steadily kept before the people and the Legislative Councils. Many fought vehemently for prohibition and Government made various experiments, but those experiments did not produce results which alone could justify optimism or warrant the continuance of the experiments. Much time was wasted in arriving at conclusions which were not new or unknown, and which were obvious. Experiments were made, but no bold step was taken. These experiences show that half-hearted measures would not take the people far. Experiments are of great propagandistic value, but they are not a long step forward.

The Indian National Congress has been emphasising the abolition of liquor as the first and most urgent task of provincial governments.

About the time the question was discussed in Parliament in 1889 the Congress expressed concern at the increase of drink ; in 1890 it expressed pleasure at the increase in the import duty on spirits, in the tax imposed on Indian brewed malt liquor, in the decision of the Bengal Government to abolish the outstill system and the closing of a large number of liquor shops by the Madras Government in 1899-90.

Successive Presidents of the Congress drew attention to the enormity of the evil of drink. Presiding over the tenth session of the Congress held at Madras in 1894, Mr. Alfred Webb, M.P. said:

> "We owe our highest civilization and culture originally to the east. In return we have handed back some benefits but also some of the lowest products of western civilization. As to the drink curse (largely introduced and widely extended by us) there have been repeated denunciations in your debates. It has formed the subject of a resolution at more than one Congress. It is deplorable to hear that people have become more addicted to drink because it has been thought to be an adjunct of western civilization. There is seracely a family in the United Kingdom that has not suffered from the ravages of drink. I am one of those who believe that safety lies only in complete abstinence. To many peoples our introduction of it has meant annihilation."

In 1900 the Congress was alarmed at the growing consumption of liquors and pleaded for a measure of effective control, a local option law or an additional tax upon intoxicating liquors and drugs not intended for use as medicine. The complaint of some was that English education had brought this drink habit in its train.

The Congress has been committed to prohibition and Mahatma Gandhi has been urging this reform from the days of the Non-cooperation movement. Prohibition was one of the planks of the national programme and Mahatma Gandhi included it among the eleven demands he placed before the Viceroy in 1930 for the settlement of the Indian problem.

In January 1930 the statements of the representatives of His Majesty's Government in England about the immediate goal of the Indian constitutional reforms contemplated for discussion at the Round Table Conference did not satisfy the Congress leaders. Lord Irwin, the then Viceroy of India, made a statement on Jan. 25, 1930 and that, too, was considered disappointing. Mahatma Gandhi was contemplating civil disobedience. Expressing disappointment at the Viceroy's utterance, Gandhiji offered His Excellency eleven terms to settle the national problem; total prohibition of intoxicating liquors and drugs was the first of these eleven points. Gandhiji, however, explained that his list of eleven demands was by no means exhaustive, though those demands were the vital needs of India. If those demands were satisfied, Gandhiji wrote, His Excellency the Viceroy would not hear of any talk of civil disobedience.

The British Government did not yield, and, on March 2, 1930, ten days before Gandhiji started on his march to Dandi to offer satyagraha against the salt laws, he wrote a letter to the Viceroy. In this he deplored the sad plight of the masses, referred to the revenue burden on the poor and pointed out that the drink revenue, too, was derived from the poor.

> "It saps the foundations both of their health and morals; it is defended under the false plea of individual freedom, but, in reality, it is maintained for its own sake. The ingenuity of the authors of the Reforms of 1919 transferred this revenue to the so-called responsible part of dyarchy so as to throw the burden of prohibition on it, thus from the very beginning rendering it powerless for good. If the unhappy Minister wipes out this revenue he must starve education, since in the existing circumstances he has no new source of replacing that revenue," Gandhiji said.

During his march through villages in the course of his salt satyagraha campaign Gandhiji appealed to the people to abstain from liquor and asked women to advise their men folk to give up drink. In some villages he asked the people to cut off palm trees intended for tapping toddy and himself inaugurated this ceremony of destruction.[1]

On the eve of his arrest he made a statement advising the country how it should carry on the civil disobedience campaign after his arrest. He assigned

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1. Dr. Pattabhi Sitaramayya—*History of the Congress.*

different functions to varying classes of people and to women particularly he entrusted the task of picketing liquor and opium shops.

The picketing of liquor shops having become an important item in the Civil Disobedience programme the Congress Working Committee, after Gandhiji's arrest, drew the country's attention to that item of work in the national struggle. The Committee emphasised the necessity of carrying on an intensive propaganda in favour of total prohibition and called upon the Provincial Congress organizations to picket liquor and toddy shops. Hundreds of youths responded to the call of the Congress. They picketed liquor shops braving the rigours of police action and suffered willingly for their faith in the Congress programme.

During the Civil Disobedience movement Mr. George Slocombe of *the Daily Herald*, London, toured India studying the progress of the Congress agitation. Impressed by the strength of the Civil Disobedience movement and Gandhiji's hold on the masses, he suggested to the British public that a settlement with Gandhiji was still possible and that Gandhiji was prepared to recommend to the Congress suspension of Civil Disobedience and co-operation with the Round Table Conference on certain terms. These terms included repeal of the salt tax, prohibition of liquor and the ban on foreign cloth.

Gandhiji had urged the picketing of liquor shops as an important item in the Civil Disobedience campaign. And when after the release of the Congress Working Committee members early in 1931 there was talk of a truce and of negotiations between the

Viceroy and Gandhiji, the Committee emphasised that the picketing of drink and drug shops in itself was no part of the Civil Disobedience compaign but was the exercise of the ordinary right of a citizen so long as it remained strictly peaceful and caused no obstruction to the public. This position was to an extent recognized by the Viceroy. On Mar. 5, 1931 after the meeting between the Viceroy and Gandhiji when the Gandhi-Irwin pact was drawn up, a Government statement referred to the picketing of foreign cloth and liquor shops, and said: "In regard to the methods employed in furtherance of the replacement of non-Indian by Indian goods or against the consumption of intoxicating liquor and drugs, resort will not be had to methods coming within the category of picketing except within the limits permitted by the ordinary law. Such picketing shall be unaggressive and it shall not involve coercion, intimidation, restraint, hostile demonstrations, obstruction to the public, or any offence under the ordinary law."

The Gandhi-Irwin Pact was followed by the Karachi Congress which set the seal of approval on the Working Committee's resolution regarding the drink problem. The Congress noted with satisfaction the "visible progress of the nation towards total prohibition during the last twelve months" and called upon all Congress organizations to continue the anti-drink and drugs campaign with renewed vigour. It expressed the hope that the women of the country would redouble their efforts for weaning the drink and drug addict from "a habit that ruins both body and soul and desolates happy homes."

The Karachi resolution on fundamental rights also refers to prohibition and lays down in the economic and social programme of work for the benefit of the masses "that intoxicating drinks and drugs shall be totally prohibited except for medicinal purposes."

Immediately after the general elections and prior to the inauguration of Provincial Autonomy, the Working Committee as its meeting on Feb. 28, 1937, considered the policy to be adopted in the legislatures and laid down details for the guidance of the Congress Legislature party. Clause 11 of a statement embodying these details stated that Congress members should press for the fulfilment of the Congress programme as enunciated in the election manifesto and the Congress agrarian resolution, in particular, and that they should work for a substantial reduction of rent and revenue. The statement gave a list of eleven reforms, one of them being the prohibition of intoxicating liquors and drugs. Another resolution regarding the extra-parliamentary activities of Congress legislators said that they were expected to create public opinion in favour of prohibition.

Thus in these resolutions the Congress High Command recognized prohibition as one of the main tasks before the country. This subject came up prominently before the August meeting of the Working Committee when Mahatma Gandhi placed his views on prohibition. There was a general discussion on the subject and the following resolution was adopted:

Inasmuch as prohibition has been one of the chief planks of the Congress since the inauguration

of the Non-cooperation movement in 1920, and thousands of men and women have had to suffer imprisonment and physical injury in furtherance of this cause the Working Committee is of the opinion that it is incumbent upon the Congress Ministers to work this; and the Committee expects them to bring about total prohibition in their respective provinces within three years. The Working Committee appeals to the Ministries in other provinces and to Indian States also to adopt this programme of moral and social uplift of the people."

The Congress Party accepted office in July. After the Congress Ministries had been formed in six provinces Gandhiji wrote an important article in *The Harijan* placing before the Ministries a scheme of work for consideration. This included the immediate introduction of prohibition.

A feature of Indian administration is that the receipts from excise have been looked upon as the source of revenue to finance education. Whenever reformers urged the need for prohibition or for intensifying temperance the Government replied by pointing out the danger of educational work being affected adversely by the diminution of excise revenue. Gandhiji deplored this when, in an article in *The Harijan* on Aug. 21, 1937 he said "the cruellest irony of the new Reforms lies in the fact that we are left with nothing but the liquor revenue to fall back upon in order to give our children education." "That was an educational puzzle," Gandhiji admitted. But "the solution of the problem should not involve a

compromise of the ideal of prohibition, cost whatever else it might," he firmly declared.

"If you can but make up your minds to free the children from the incubus of learning their subjects in a foreign tongue and if you teach them to use their hands and feet profitably the educational puzzle is solved. You can sacrifice without compunction the whole of the drink revenue; you must resolve to sacrifice this revenue first and think of the ways and means about education later. Make the beginning by taking the big step." This was Gandhiji's solution.

Gandhiji had invited Prof. K. T. Shah, the well-known economist for whose views he has great respect, to offer his comments on his article on Congress Ministries and their tasks. Of the specific points made in the article the immediate enforcement of prohibition was the first. Mr. Shah agreed that prohibition could be enforced though he thought it could not if the term "immediately" in regard to that reform was interpreted absolutely literally. Taking the total of all provinces, the revenue from the liquor traffic—not including the customs duties on foreign wines and spirits taken for their own purposes by the Central Government—was about Rs. 15 crores while the total expenditure on education from public funds was about Rs. 12 crores. Therefore, if the revenue derived by the Provincial Governments from intoxicating liquors and drugs was wholly and suddenly given up it might seem as though education must suffer seriously.

He added: "If, however, by 'immediate' we mean a short but definite period of, say, five years, the

entire traffic can be abolished or prohibited within that period and the income now derived by the State from this source ended without any cataclysmic reaction upon our outlay on education, or rather upon the actual volume and quality of the education imparted. Within these five years, by a sharp and progressive increase in the rates of taxation on this traffic in every form; by rigorous regulation and reduction of the hours during which these deleterious articles could be obtained; by progressive and substantial decrease in the number and location of shops and stiffening of the condition of their licences—and a number of other cognate devices for curtailing this traffic—the goal of absolute prohibition can be achieved at least so far as revenue from this source is concerned. 'Immediate' prohibition, on the other hand, if enforced literally, would give rise to all sorts of illicit traffic. That would not only rob the community of the revenue but also remove those checks which high taxation and other regulations now imply for keeping the consumption within some bounds."

He was also aware of the danger of illicit traffic and said: "The administrative machinery for enforcing prohibition, especially to prevent illicit production or sale of such articles would also be costly so that the benefit derived by the community by a cessation of this objectionable traffic would perhaps be more than counterbalanced by the encouragement to illicit traffic and the necessity to maintain a costly prohibition machinery." "These risks would not be so considerable, I believe they would be non-existent if a progressive programme of complete prohibition within five years was adopted and carried out," he

added. For "the people could then become accustomed to the change and temptation would be gradually eliminated."

Mr. Shah suggested five years within which to enforce complete prohibition. The Working Committee decided upon a compromise and according to its resolution of Aug. 28, 1937, fixed a period of three years.

Those who are pessimistic about prohibition in India refer to the failure of the reform in America, and urge America's experience as a lesson to India. Prohibition failed in America in spite of the large expenditure incurred on maintaining a preventive force and in spite of the fact that there had been wide support for the reform. Therefore, they contend, India with her limited resources and with the enormous scope for illicit practices will not be any more successful than America. Prohibition, they warn us, will only affect revenue.

To them Gandhiji replies "remember that the stupendous experiment was tried there where drinking is not looked upon as a vice, where millions usually drink. Here drink is held reprehensible by all religions and it is not the millions who drink but individuals who drink."

In America drinking was a social habit and a fashion but it is not so in India. In America the liquor interests who were rich and influential fought the law, but here the position is not equally so; because there are no such powerful interests.

In America drink was not looked upon as a shameful act, but in India it is looked upon as repre-

hensible. Gandhiji even hoped that if prohibition succeeded in India that success would persuade America to revert to it. But pessimists use the fact that in India it is individuals and not the millions who drink as an argument against prohibition. They contend that because drunkenness does not prevail here drink need not be considered a social evil. They warn the country against adopting a reform which will affect revenue considerably and is contemplated only to fulfil a high ideal and for the benefit of a small section of the population.

Gandhiji is determined about prohibition. But as in respect of every other reform, he emphasises the value of faith and earnestness in the cause. The mere introduction of the reform by legislation will not help progress. Indeed, that will be the one powerful factor which will defeat prohibition. Therefore, he pleads that everyone should be impressed into service in the cause of the reform.

He also draws the attention of Government to the constructive aspect of the prohibition scheme.

The Congress Party having been returned to the Legislatures by large majorities and having taken over the administration, it was bound to fulfil its pledges to the electorate. Prohibition being one of the important items in its programme of work, the Ministries were bound to give effect to this ideal. Gandhiji did not allow them much time to discuss the possibilities of the reform, to investigate the financial implications of the reform, or to make long preparations in the bureaucratic way.

In *The Harijan* of July 13, 1937, he reminded the Ministries of their first task and suggested it was possible to bring about prohibition in two years, but he was prepared to make allowance for administrative difficulties, and so fixed three years from July 14, the date on which the first Congress Ministry (that in Madras) took up office.

"I count loss of this revenue as of no account whatsoever. Prohibition will remain a far cry if the Congress is to count the cost in a matter of first-class national importance," he said. He cried down drink and drug revenue as a form of "extremely degrading taxation." The loss of revenue is only apparent, and looking at it from the point of view of the consumer he said "removal of this degrading tax enables the drinker (the tax-payer) to earn and spend better."

And again on Aug. 28, 1937, writing on the Working Committee resolution on prohibition he regarded this resolution as "the greatest act of the Working Committee at any time of its chequered career." He pointed out that the cry of prohibition became in 1920 one of the chief constructive items of the Congress which could not but go in for total prohibition immediately it came into power in any part of India. He realised that even in the six provinces (now the number is seven) where the Congress had then assumed power the loss of revenue would be about Rs. 11 crores. But what was the justification for the Working Committee to adhere to its own ideal without considering the implications of its decision, the practicalities of administration and the hard facts of the financial limitations of the provincial govern-

ments? Gandhiji's explanation was that the Committee had taken the risk for the sake of redeeming its pledge and for conserving the moral and material welfare of those who were addicted to intoxicants and narcotics. He believed that the Committee's resolution was a good lead to the non-Congress provinces and even to the Indian States.

While firm in his faith Gandhiji was not unaware of the fear entertained by some, namely that prohibition might only help to fulfil an ideal but might not work in practice. They think, the Mahatma wrote, "that the financial lure will be too strong for them to resist. They argue that the addicts will procure their drink and drugs anyhow and that when the Ministers discover that prohibition means more loss of revenue without any appreciable diminution in the consumption, though illicit, of drinks and drugs, they will revert to the tainted revenue and the then state will be worse than the present."

Still he believed that there was the requisite momentum in the nation to achieve the noble end. "If prohibition is to be a reality, we shall begin to see the end not with the end of the three years, but inside of six months, and when the reality dawns upon India, those provinces or States that have lagged behind are bound to bow to the inevitable," he said.

Therefore, he added, the Congress had the right "to expect the sympathy and support not only of all the parties in India, including the Europeans, but the best mind of the whole world in this, perhaps, the greatest moral movement in the country."

MAHATMA GANDHI—Congress pledged itself to Prohibition in 1920 and redeemed the pledge at the very first opportunity without counting the cost.

XII

DISCUSSION ON THE MADRAS BILL

It is the duty of the Government, I put it, to put man to the necessity of undergoing all kinds of difficulties before he can get his drink and ruin himself.

—The Hon. Mr. C. Rajagopalachariar.

"We regard the introduction of the prohibition of intoxicating drinks and drugs as of such vital and fundamental importance to the well-being of the people that we felt that, at whatever cost, an effective start must be made at once." The Hon. Mr. C. Rajagopalachariar, Premier of Madras, made this declaration in presenting the budget of the Congress Ministry for the latter half of the year 1937-38 in the Madras Provincial Legislative Assembly.

The Government, he said, had decided to close, with effect from Oct. 1, 1937, all toddy and arrack shops in the District of Salem. Explaining this decision, he added: "The problem of prohibition has been complicated by the revenue from drink having been worked deep into the financial structure of the Province. We have, of course, problems of enforcement and of finding other employment for the families who hitherto derived livelihood in the drink business. These questions have to be faced and tackled, and the Government being serious about it,

have decided to proceed step by step and not all at once.

"The first area to be tackled will be Salem. My colleagues have been pleased in choosing the venue for this first memorable step, to pay a delicate compliment to the faith and enthusiasm of their Premier in this cause, and have given preference to his native District (Salem). It is not to be regarded as a mere experiment, but it should be understood as the first stage. Our policy is finally settled and there can be no question of withdrawal from it. We deem it wrong for Government to be party to the organizing of evil temptations calculated to ruin weak-willed people and cause the destitution of the women and children of their families. With time for financial adjustment and experience in the work of enforcement, it is confidently hoped that the prohibition of drink and drugs throughout the Province will become an accomplished fact. By losing Rs. 26 lakhs as a result of this scheme of prohibition, we really put no less than a crore in the pockets of the peasants and labourers of the Salem District every year. So it will be in the rest of the province as we proceed. But here again, we must counsel patience to those who would like to see the whole of the Province become 'dry' at one swoop.

(The financial effect of closing liquor shops in the Salem District will, in a full year, be a loss of revenue of Rs. 26 lakhs.)

This decision was warmly welcomed by many. Sir Mahomed Usman, a former Acting Governor, a respected leader of the Justice Party and the

leader of the Opposition in the Legislative Council, applauded the Ministry for its programme and congratulated it on its firmness and determination in the matter. He was glad that the Government policy of prohibition was not to be a mere experiment but a settled fact, the closure of the shops in Salem being the first stage in the policy.

"Drastic diseases require drastic remedies; and the drink evil requires this drastic treatment" Sir Mahomed declared. He added that for the moral well-being of the people no better scheme than prohibition could have been devised.

He was not unaware of the consequences of prohibition on the revenue of the Province, but he was sure that a resourceful Government would find ways and means to make up the loss of revenue.

The critics of the programme were as vehement in their attack on the Bill as the supporters were enthusiastic about the reform. The main arguments against the programme were three. One was that drink being the only source of refreshment for the poor, especially after the day's toil, and the common drink of the masses, namely toddy, being considered least injurious, it was not necessary to introduce prohibition at all. Another argument was that it was impossible to enforce prohibition effectively for, in spite of vigilance in preventive work, illicit distillation would defeat the objects of prohibition. It was feared that while the Government woul only forego a large revenue, the country would not be rid of the evil. A third argument was that prohibition would not succeed unless human nature changed. Those

addicted to drink would continue to drink liquor, prohibition or not. Temperance should come from with in and this reform of the individual could not be brought about by prohibition, an external factor. As it was impossible to change by prohibition the temperament and the ways of those addicted to drink, the State would only be wasting energy and giving up a large revenue. This would be an unwise course, especially when with the excise revenue various nation-building activities could be undertaken and measures to improve the condition of the masses adopted.

Dewan Bahadur A. Appadurai Pillai, an active member of the Justice Party, the opposition in the Legislative Assembly, held that temperance should come from within. In no country had it been possible to stay human tendency towards indulgence in liquor, and countries which introduced prohibition abandoned the reform with the haste with which it was introduced, he reminded the House.

Sir William Wright, the leader of the European group in the Assembly, doubted whether prohibition would succeed, especially when alcoholic drinks could be manufactured in India at the backyard of each house, unless there was a change of heart among the people addicted to drink. While Government might lose considerable revenue the drink evil would not cease, he feared.

Kumararaja M. A. Muthiah Chettiar of Chettinad, leader of the Opposition in the Assembly who had been Minister in charge of Excise for a few months towards the end of the Justice Party's term of

Ministry before the inauguration of the new Constitution, considered that the failure of the scheme was more certain than its success. He referred to the serious financial implications of the measure and pointed out that the excise revenue had gone deep into the financial structure of the Province.

The Premier, replying to the criticisms, pleaded for faith in the programme. He was aware that prohibition had failed in America and that on that ground it was contended that what one people had failed to achieve another might not succeed in doing. But, in reply to this view, he said that there were numerous communities in India itself which did not drink, and humanity being the same as argued by the critics who pointed out the failure of prohibition in America, it could be argued that from the fact that various communities in India were practising abstinence, universal abstinence, too, was possible here.

He added he had lived among the people and had heard them plead: "Remove these shops and we shall be able to save ourselves." He had no doubt about the desire of these people to save themselves. Therefore he asked how when he was himself in office he could refuse to do for them what they had asked him to do? It might be that perhaps he might not succeed, but he saw no reason for not making an attempt. He added :—

"Perhaps, I may not succeed, but how can I refuse to try? Certainly not because we want their money, whatever may happen to them, which, in substance, is all the argument that was advanced on the floor of this House. Finance cannot be built on

meanness, however much we may hide it. I say it is mean to keep these shops going when the women of the families of those who go to these shops and ruin themselves, entreat us that the shops should be removed from their midst. Unless we think that it is good for them or that they can afford to ruin themselves, which is not the case according to any one, we must take up this question.

"I am grateful to the House because of the spirit in which criticism was offered by all. Everyone who criticised this policy in this debate said, 'we wish it would succeed'. They did not speak cantankerously as they well might have done, if they had been Anglo-Saxon oppositionists to prohibition. They felt we were right, that we were on the right moral ground and that we were not interfering with personal liberty. In India, no legislator may feel—though in England or in America one might feel—that any law like this is an interference with personal liberty. In India they may not feel so, as long as we stick to our faith, to our traditions and to our culture. Hon. Members said: 'We wish success to the step; we think it is right but we have much fear and we have much doubt". Friends must know that with fear and doubt, a blessing becomes of no purpose. I want Hon. Members to give up fear and doubt, and to wish us success. I want Hon. Members at least to postpone fear and doubt and summon up all the faith they can and give us all the co-operation they can."

Referring to the failure of prohibition in other countries and to the point made by some that the

example of those countries showed that the reform would not succeed here, the Premier said that the attitude of the people of India towards the drink evil was different from that of people in other countries. He realised there was a difference between drunkenness and drinking, but in India fortunately the people objected even to moderate drinking. But, he said: "I see the danger of even moderate drinking to the coming generations and the danger to the country as a whole. I do not see so much danger in the drunkenness of the older addicts. Honestly and frankly, let me confess that I am not afraid of the addict; he passes away. I am afraid of his public example. I am afraid of the willingness and courage —false courage—with which younger people may be taken along the line of moderate drink, because, I know moderation to-day does not remain as moderation tomorrow."

Regarding the argument that prohibition would cripple the Government's finances, the Premier asserted it was the duty of Government not to organize the liquor trade. It was its duty to place all obstacles in the way of the drinker and not to allow him to drink, even if its finances should get into disorder.

"A Government does not deserve to rule if it cannot rule except by robbing such people of their money by such means," he emphasised.

"I say I cannot examine this question of drink revenue, in whatever manner I examine it, without coming to this one conclusion, that it is wrong for Government to depend on drink for revenue. I do not at all share the notion that it is impossible to give

up this revenue and run the Government. I do not believe that India cannot rule herself and cannot be a civilized State unless she taxed those who cannot pass their lives without drinking to forget their misery."

"It is the poorest people that pay the revenue and I do have the confidence that the masses of the country and the electorate will respond to an appeal to them in this matter. We can appeal to them and say: 'We must balance the budget; you must pay taxes. The poor people cannot pay'. That is the meaning of the phrase 'cost what it may'. I see also what it will cost me. It may cost me an election. I do realise it and I am prepared to appeal to the people and the electorate and tell them, 'I cannot tax those people who drink and I cannot allow this drink evil. Do you want me to govern this country? Reject me if you like but we cannot carry on the Government if you cannot tax yourselves or give up certain amenities, which might be, relatively speaking, luxuries'. I have every confidence that the country will be very generous and will not refuse to tax itself if it wants these amenities to be provided for by other means than by robbing the poor man of his money through a pot of toddy. I feel as convinced as ever that it is right that we should stop this liquor evil."

Enthusiasm and faith in a cause are the motive forces of any great action, and Mr. C. Rajagopalachariar has these qualities in a large measure. Introducing the Prohibition Bill in the Madras Provincial Legislative Assembly he said: "The Bill is going either to make or mar the reputation of

our province and of our Government and I appeal to this House to give us a chance of making this great venture". He was quite aware of the contention that it would be difficult to enforce prohibition, but his reply to critics, who advanced this argument, was that "It must be possible for any Government that had the courage to administer the country to administer measures of this kind also."

A survey of arguments against the Bill in the Legislature and of the criticisms on its provisions, reveals the misgivings of the public.

Sir William Wright said: "Our line of opposition to this Bill is that the Bill is wrong in principle, bad in economics, that it will be impossible to carry out in practice, and that it is ruthless in its penal provisions." According to him the Bill was wrong in principle because, whatever might be said of it, it was an infringement of the liberty of the individual and was punishing a very large number of people for the faults of some. He pleaded that after the day's toil alcohol was stimulating to the labourer. Referring to the argument that alcohol was so thoroughly bad that a nation would not be worth calling itself a nation unless it was rid entirely of alcohol, Sir William thought that argument did not apply to India.

"Can we look for instance," he asked, "at the battalions of Sikh soldiers in the north and say 'here these people are useless, they are no good because they are drinkers of alcohol!. And who will deny, again, the magnificient fighting qualities of the Gur-

khas and say 'here are a set of people who are not good because they drink alcohol.'"

He thought that India should learn one or two lessons from the prohibition experiment in America. Firstly, he said, the origin of prohibition in America. and the origin of the idea of prohibition in India came very much from the same class of people. In America the movement towards prohibition started in an area where the people were not accustomed to drink alcohol except light home-made wines. "And when prohibition was started these wines were explicitly exempted and were permitted. In other words, the people who through the whole of their lives were unaccustomed to drinking alcohol and had no use for alcohol—probably even disliked the smell of it—were the people who were able by their excellent political organization, to inflict their own views regarding alcohol by imposing prohibition upon the country until the nation rose up in time to assert its right to choose as to what it should and should not drink".

Discussing the financial aspects of prohibition Sir William expressed the fear that the Government policy would be to recover the loss of revenue by addtional taxation from those who were able to pay and those who could afford to pay further taxes. This burden would fall on those who were paying income-tax and if thus the moneyed classes were over-taxed capital would be driven away from industries.

Kumararajah M. A. Muthiah Chettiar of Chettinad was definite that "if the Government should

extend the scheme to other parts of the province or to the whole province, it will be more than a miracle for them to find all the money that they have been getting through excise". He warned the Government that the country could not bear any additional taxation.

Mr. J. A. Saldanha, an Indian Christian and a former judicial officer, characterised the scheme as a "Himalayan blunder." Instead of introducing prohibition, he suggested that the Government might take into consideration "the alternative scheme of enriching the country, which is far easier of accomplishment, by giving the people Swaraj, Swaraj as to the production and marketing of liquor as in Great Britain and other civilized countries which create a big wealth and health-producing industry from liquor as well as an ever-increasing source of revenue."

Sir Frank Birley, a member of the Upper House, who also had serious misgivings with regard to the financial implications of the reform considered it "imprudent to jeopardize a large portion of the income of the Presidency for a cause, which, however ringteous, is none-the-less imprudent".

Sir K. V. Reddi Nayudu, a former Acting Governor of Madras, was a violent critic of the Bill. He agreed that prohibition was a very desirable reform, even a necessary reform, but he thought that it could be achieved more by education and propaganda than by legislation. He criticised the Bill as destroying individual liberty.

He added: "We do feel that drunkenness ought to be stopped in as highhanded a manner as can be conceived of and as any law can permit. Mere drinking of a glass of liquor just before meals and things like that should not be restrained with the rigour or what I call, the bandobust that is found in the Bill." He feared that for the loss of revenue that would result from prohibition, Government would be adopting a policy of robbing Peter to pay Paul.

"For the sake of your puritanical ideas and proselytizing tendencies the honest and simple people will be taxed," he added.

He feared that the Bill would benefit the rich men at the expense of the poor. For, while the rich could obtain licences for the personal consumption of liquor the poor could not. Further, as the Bill did not affect foreign liquor it would result in increasing the imports of this liquor and in destroying the indigenous industry.

The Bill was considered by a Select Committee consisting of Sir William Wright (Leader of the European group) in the Assembly, Mr. E.H. M. Bower (representative of the Anglo-Indian Constituency), Dewan Bahadur A. Appadurai Pillai (Justice Party), Mr. Akram Ali, Mr. Abdul Rawoof (Muslim), Mr. T. T. Krishnamachariar (Indian Commerce Representative), Mrs. Rukmani Lakshmipathi (Congress-Deputy Speaker of the Legislative Assembly), Mr. C. J. Varkey (Indian Christian-Congress), Mr. K. Bhashyam (Congress), Mr. S. Nagappa (Scheduled Caste-Congress) Mr. N. S. Varadachariar (Congress),

Mr. P. S. Kumaraswamy Rajah (Congress), the Hon. Mr. V. I. Muniswamy Pillai, Minister for Excise, and the Premier.

The Select Committee made only a few minor alterations.

The Bill (now Act) provides for the introduction of prohibition immediately in the Salem District and gives the Government power to extend it to "any other local area in the province of Madras on such date as the Provincial Government may, by notification, appoint."

Kumararajah M. A. Muthiah Chettiar of Chettinad complained that under this provision the House would not be given an opportunity to discuss the merits of the scheme after it had worked in Salem and before it was extended to other areas.

In the Select Committee, the Premier, on behalf of the Government, gave an assurance that "ample notice would be given of the Government's intention to bring the Act into force in any other local area."

In the Council an amendment moved by a Justice Party member to the effect that any extension of the scheme be made "with the further sanction of the Legislature" was rejected.

While the Bill was criticised on principles, its provisions were described as draconian in character. Mr. T. T. Krishnamachariar considered that the Bill gave enormous scope and power to the Government, power which a citizen might consider as making in-

roads into his personal liberty and security: The Bill and its provisions had been largely adopted from the Abkari Act. The Abkari Act was a fiscal legislation intended to be applied to a comparatively small section of the public and its penal provisions were, therefore, necessarily severe. But this Bill brought within its ambit a very much larger section of the people than the Abkari Act did. It might, therefore, be asked whether it was safe to allow the Government to have such a large power over a large section of the people. Still the Government having launched the scheme, it was the duty of every citizen to support it. Lest it should be said later that the enforcement of the Act could not be effective because certain powers were not granted to Government, he wanted to give the Government as much power as they wanted.

The Bill had an easy passage through both Houses of the Legislature, particularly through the Lower House.

Clause 1 of the Bill relates to the introduction of prohibition in Salem and to the extension of the reform to other districts as Government might notify.

A Plea for Addicts.

Dewan Bahadur R. Srinivasan, speaking on behalf of the "voiceless millions of drinkers," while the Bill was under discussion in the Council, said that it was impossible for habitual drinkers to give up the habit of drinking suddenly, and pointed out that in some cases sudden reform would even result in the death of the addict. So, he said, some provision should be made to save the lives of these habitual

drinkers. The device he suggested for this was that shops be kept open on week days for three hours a day—from 5 P.M. to 8 P.M. In course of time, he added, another measure might be adopted to minimise the drink evil gradually by restricting the number of hours and days in the week.

The amendment was ruled out of order on the ground that it was a negation of the principles of the Bill which had been accepted.

Clause 3, the definition clause, includes within the term "prohibition officer" any officer "or other person" invested with powers under Section 25 of the Bill. Dr. Sir K. V. Reddy Naidu, moving for the deletion of the words "or other person," pointed out that the Bill gave the persons invested with the authority of an officer enormous powers such as those of arrest, seizure etc. Especially in view of the prevalence of faction in Indian villages it was dangerous to confer such powers on non-officials over whom Government could not exercise the same effective control as they could over officials.

Replying to this criticism the Premier said that this provision closely followed a similar one in the Abkari Act. The Government did not intend to leave the country to the tender mercies of irresponsible people. The only object of the provision was to provide for the appointment of suitable honorary officers. For instance, a title-holder who had rendered service to the State should not be considered unfit to be entrusted with the powers contemplated with reference to such officers. Mr. J. A. Saldanha feared

that this provision would lead to excesses in the exercise of powers and to victimisation.

The amendment was rejected, ten members voting for the motion and 36 against it.

Clause 4, which specifies the prohibitions and penalties, provides for the imposition of a punishment of imprisonment extending up to six months or a fine extending up to Rs. 1,000 or both on "any person who (*d*) taps any toddy-producing tree or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession or (*e*) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession, or (*k*) allows any of the acts aforesaid upon premises in his immediate possession."

Mr. B. Narayanaswamy Naidu, a Public Prosecutor and a member of the Upper House, moved for the deletion of the words "or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession" in clause (*d*); of the words "or permits or suffers toddy to be drawn from any tree belonging to him or in his possession" in clause (*e*); and for the deletion of Sub-clause (*k*).

He argued that the words referred to in sub-clauses (*d*) and (*e*) represented an inversion of the elementary principle of criminal justice, namely, that a man should not be deemed to be a criminal unless he was proved to be so. He could understand the toddy-tapper being made a criminal, but he could not understand how responsibility was sought to be fastened upon the house-holder.

Sub-clause (*k*) was a serious aspect of the Bill and already another section provided for the safeguard provided by this sub-clause. Under this clause, he pointed out, even if a man brought a bottle of liquor under a permit into another man's house and left it there absent-mindedly the latter could be arrested and produced before a Magistrate, and that man had to prove his innocence.

The Premier pointed out that the words "permit" "suffer" and "allow" were positive terms. The provisions did not mean that the owner should be found guilty the moment it was found that somebody else tapped his tree. But, it meant that "he must not only be the owner but also that he should have permitted the thing being done; he should allow the thing to be done though he himself may not do it; he must suffer the thing to be done, though he himself may not do it."

The intention was that "the owner should have allowed a certain thing to happen while he, as the owner, was entitled to prevent it. It does not mean that the man is to be punished simply because he is the owner of the trees; something more has to be proved, namely, that he permitted, suffered or allowed it though he himself did not do it. He would not be said to have permitted or allowed the tapping if he had given a lease or was absent. It is only when he is in a position of a dominance and in actual possession or control and when instead of himself doing it he allows another man to do it that he will be deemed to have permitted it."

In answer to a question the Premier stated that the Prohibition Officer would be asked to give notice

to an absentee landlord of any objectionable practice in his garden and give him sufficient time to put an end to that practice.

The amendment was rejected.

Sub-clause 2 of Clause 4 says that "it shall be presumed until the contrary is shown, that a person accused of an offence under clauses (*a*) to (*j*) of sub-section (1) has committed such offence."

Sir K. V. Reddy Naidu, moving that this sub-clause be deleted, pointed out that under this provision the burden of proof of innocence was thrown upon the accused. That was contrary to the fundamental principle of British jurisprudence, namely, that an accused person should be deemed to be innocent until the contrary was shown. It was true that in certain fiscal matters the burden of proof of innocence was thrown on the accused, but the present Bill was not a fiscal one, he contended.

The Premier said that every person conversant with the practice of courts in the sphere of criminal law would admit that a man should be presumed to be guilty if a bottle of liquor was found in his possession. It was open to the accused person to show that for some reason or other beyond his powers the bottle had come into his hands and therefore, he was not guilty. Then the burden of proof would fall on the prosecution.

He added there was no juristic principle that simply because a particular Act did not bring in revenue, presumption of guilt of the accused person should not find a place in it.

The amendment was lost.

With reference to clause 8, which provides penalties for vexatious search or arrest, Sir K. V. Reddy Naidu moved an amendment to omit from sub-clause (*a*) the words "ground of suspicion" and insert instead "grounds"; and to substitute at the end of the clause the word "one year" for "six months" and "one thousand" for "five hundred".

He contended that the word "suspicion" was too wide and indefinite. What was reasonable ground of suspicion to one man might not be so to another. Mere smell of liquor might constitute suspicion, and even that smell might be due to something other than liquor! The mention of the word "suspicion" was dangerous. There was already much bandobust in the Bill and the word "suspicion" was an additional act of bandobust.

The Premier again pointed out that the phrase was copied from the Abkari Act. A similar phrase existed in the Criminal Procedure Code. Alarm was unnecessary and all the rules under the Criminal Procedure Code applicable to prosecutions, searches, etc., applied equally to this Bill. So there was no fear, he assured the House.

The amendment was rejected.

Clause 16 provides for exemptions and licences for liquor required for medicinal, scientific, industrial or "such like purposes." Clause 20 provides for the issue of permits for the possession and use of "any liquor for any religious purpose in accordance with ancient custom." Mr. S. J. Gonsalves moved

to insert the following in clause 16: "The Provincial Government shall, subject to such conditions as they think fit, exempt from the operation of all or any of the provisions of this Act, the wine required for the purpose of Christian religious worship."

The State guaranteed its citizens freedom of religion and the right to use articles required for religious services, Mr. Gonsalves reminded the House. He pointed out that the object of the amendment was to secure recognition of the right to use wine for Christian worship. The necessity, of exemption for liquor used for medicinal, scientific, or industrial purpose was recognized in Section 16, and Mr. Gonsalves asked why wine for worship should not be exempted similarly. And it had to be remembered that in this case the wine was required for religion, a higher purpose than science, or industry. It was true that a permit could be obtained for possession of wine for worship, but there was a distinction between the grant of exemption and the grant of permit.

The priest should not be required to go to an officer and ask for a permit. On the other hand, he should be allowed the right to possess and use wine for religious purposes. Otherwise grave hardship might result. For instance, if the officer withdrew the permit worship could not be held. Such powers should not be vested in the Government, he pleaded.

The Premier thought there was no indignity in a priest, bishop or chaplain asking for a permit. Licences under the relevant clauses for specified purposes would be granted on payment of such fee, if any, as the Government might direct either generally

or in any particular case. In the case of requirements of wine for religious purposes the expression "if any" would come into operation and there would be no difficulty at all. A general exemption, he feared, would keep the door open for any misuse. The Abkari Act did not exempt priests from the operation of the measure, though it might be that the provision bringing them within the scope of the Act was now overlooked. But in the present enactment there was a special exemption under clause 20 (*b*) and all religious denominations requiring wine for worship in accordance with ancient custom, would be permitted to have it. The permit could be framed and preserved and transferred by one priest, bishop or chaplain to his successor. Every one who claimed to be a priest should not be given the privilege of possessing liquor and the procedure should be regularized. The permit could be obtained for the asking. "The dignity of the Church and of its functionaries will not be lost sight of," the Premier assured the Christians.

The amendment was rejected, six members voting for the motion and 32 against it.

Clause 17 of the Bill exempts from the operation of the measure liquor in the possession of *bona fide* travellers for their own personal use while passing through any local area in which prohibition is in force and also lawful consignments of liquor or intaxicating drugs carried by a railway administration through or into a local area where prohibition is in force.

The Premier told a member of the Assembly, when the Bill was passing through that House, that

when the clause was conceived, the Government did not intend to specify the quantity of liquor which a traveller such as the one mentioned might carry, but if that provision led to any abuse necessary rules would be made.

With regard to the issue of permits and licences clause 20 lays down that the Provincial Government may issue a licence "to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to *bona fide* passengers travelling by the train."

A member inquired whether the restriction might apply in general terms to the sale of liquor on a restaurant car to passengers travelling long distances or whether the distance of travel in respect of a passenger entitled to drink on a restaurant car might also be specified.

The Premier said that here, again, it was difficult to lay down the distance a man should travel if he was to be allowed liquor in a restaurant car, or who *bona fide* travellers were. The question would have to be taken in a spirit of trust. If the clause led to abuse suitable rules would be made, he added.

Sir K. V. Reddy Naidu moved an amendment to add to clause 21, which relates to the form and conditions of licences and permits, a qualifying phrase that the permits or licences should be in such form and contain such particulars as Government might direct "after obtaining the assent of both chambers of the Legislature."

He said there had been an agitation for a long time in certain countries against the practice of leav-

ing rule-making powers to the executive. In the previous Legislative Council, he added, many members representing the Congress had asked for a provision similar to that he suggested.

The Premier told the House that this provision was an exact copy of a corresponding provision in the Abkari Act.

The Amendment was lost.

With reference to clause 24 which specifies the penalties for any breach of the conditions of licences and permits, the Leader of the Opposition in the Assembly expressed the opinion that the penalties provided, namely, six months' imprisonment or Rs. 1,000 fine or both were too severe.

Some of the class of persons specified in the provision would very well deserve the whole fine, but it was open to the Magistrate to fine even one anna, the Premier replied. "We have to trust the Magistrates," he added.

Clause 25 provides for the appointment of officers and the conferment on them of powers to help in administering the Act. Sir K. V. Reddy Naidu, who had already objected to the appointment of honorary officers on the grounds that they might abuse powers and that the Government could not exercise over them the same control which they could exercise over Government servants, moved for the deletion of the clause. The Premier had already replied that the Government only wanted to take power to appoint suitable honorary officers who could be trusted with the powers contemplated in the Bill

and would conduct themselves as responsible officers. He opposed the amendment which was rejected by the House.

Clause 26, which provides for the appointment of Prohibition Committees by the District Collector or by the Prohibition Officer, was opposed both in the Assembly and the Council.

In the former House the Leader of the Opposition moved for the deletion of the clause. He feared that this provision would lead to abuse of powers and malpractices. The ordinary officials of Government, he thought, would be quite enough to perform all the functions under the Act.

Dewan Bahadur A. Appadurai Pillai was of the opinion that it was inexpedient and inadvisable to give authority to a set of people who might not be amenable to official discipline and who would not be under the control of Government.

Sir K. V. Reddy Naidu, opposing this clause, said it would be difficult for Government to get at respectable people to serve on these committees, for these members would have to do the work of spies, and respectable men might not be willing to undertake such work. But unless thoroughly dependable men were appointed to these committees there was a possibility of private animosities and similar factors coming into play.

The Premier pointed out that the members of the Committee would be selected by the Collector, and these members would give information of offences under the Act and otherwise help the authorities in

administering the Act. These members would not draw salaries. They would only make reports of offences and then the police would take action, that is, take up investigation of the case.

The appointment of these members would be a means to develop the law-abiding conscience of the people, and these committees wôuld be the nucleus of a prohibition force.

The amendment was rejected.

Clause 29 gives power to certain officers, including " any officer in charge of a police station " or any other paid or honorary officer to arrest any person, enter any premises and conduct a search.

A member of the Council moved an amendment to delete the words giving power to " any officer in charge of a police station " or to any " honorary officer." The Premier said that the persons who could take action under the provision would be officers authorised by the Provincial Government. These persons would be appointed only with due care and would resemble the present honorary Magistrates. They would not be picked out from the street and endowed with power.

The amendment was rejected.

Mr. B. Narayanaswamy Naidu moved an amendment to insert in clause 32 a few words so as to permit the arrest of a person for an offence under the Act only in a public throughfare or open place other than a dwelling house.

Clause 32 (*a*) says that an officer or person duly authorised " may arrest without warrant any person

found committing an offence punishable under sub-section (1) of Section 4."

Mr. Narayanaswamy Naidu moved an amendment to insert after "without warrant" the words, "in any public throughfare or open place other than a dwelling house."

The present provision, he argued, vested in the officers the power to arrest persons even in dwelling houses while under the Abkari Act a person could be arrested only in an open place or public street. The provision in the Bill gave liberty to the officers to enter a house at any time, even during night. The inviolability of the home should be maintained, he pleaded.

The Premier said that the provision was intended to cover cases where liquor was manufactured and toddy tapped. Toddy was tapped in gardens and backyards and an officer had, therefore, to be armed with the power contemplated in the section. Without this section enforcement of the Act would not be possible.

The amendment was rejected.

With reference to clause 55, which states that all rules and notifications under the Act shall, on publication in the Official Gazette, have effect as if enacted in this Act., Sir K. V. Reddy Nayudu moved an amendment that the rules should be approved by both Chambers of the Legislature before publication in the Gazette.

The Premier, replying, said that placing the rule before the Legislature would amount to carrying on

the administration of the country through the Legislature method which had not been found practicable in any country in the world. Government would be impossible if rules were to be brought before the Legislature for approval, he added.

The amendment was rejected.

The Bill was passed into law without any amendment in the Legislature although a few had been made in the Select Committee.

Of the members who contributed to the debate on the Bill, Dr. P. J. Thomas offered the most constructive suggestions. He reminded the Government that work should be provided for the 20,000 people who would be thrown out of employment on account of prohibition, and suggested coloninization and public works as possible schemes to provide employment to these people. He pleaded for the provision of counter-attractions and for measures to create in the former addicts new tastes and new interests. Government's duty in regard to prohibition did not stop with the promulgation of a law; Government should aim at redeeming the drunkards from their miserable ways of living.

He also requested Government to exploit alternative sources of revenue and expressed the hope that the Premier would not quail to impose fresh taxes if necessary.

The motion that the Bill be passed into law was carried, 32 members voting for and five against it.

The Prohibition Act is an epoch-making piece of Provincial legislation. It had a remarkably quick passage through the legislature. The discussion of

the general aspects of the Bill and the clauses did not occupy more than about three hours of the Assembly. After a general discussion for an hour and a half the Bill was referred to a Select Committee and, meeting again after an interval of a day, the Assembly passed the Bill after another 90 minutes' discussion.

In the Council it was subjected to a longer scrutiny than in the Assembly, the total duration of the debate being about seven hours. On the first day the Council considered the Bill for an hour and a half and on the second day for over five hours.

Salem went dry on Oct. 1. The previous night, under the supervision of the revenue officials in each taluk, toddy and arrack shops and stalls where other intoxicating liquors were sold were closed down and sealed, the toddy and arrack remaining unsold being destroyed. As it was essential that to enforce prohibition satisfactorily the police force, which was in charge of the work, should itself be free from the evil of drinking, a pledge was taken from those indulging in liquor occasionally that they would give up intoxicants, and they were told that violations of the pledge would be visited with severe punishment. Those who were habitually addicted to drink were transferred out of the district.

An intensive programme of propaganda for prohibition was carried on, the prohibition scheme being explained to the villagers throughout the district.

The Premier, accompanied by two Ministers (the Hon. Messrs. V. I. Muniswami Pillai and S. Ramanathan) and Parliamentary Secretaries, toured the District for about ten days. Women and children wel-

comed the Ministers as angels of good and of happiness to the families of the poor and prohibition as a means to redeem them from poverty and degradation. The people were enthusiastic and the Ministers, addressing thousands of people, exhorted them to give up drink. They advised the women to watch over their men folk and each individual to watch over his neighbour and see that he did not relapse into the evil.

Of the drink shops in the District a large number had been converted overnight into reading rooms and village recreation centres. Social workers visited village after village carrying the message of prohibition, and the villagers themselves celebrated the occasion by performing a symbolical ceremony, the destruction of the "demon" of drink. This ceremony consisted in breaking with a pounder or a heavy staff a pot representing toddy and a bottle containing arrack.

Sept. 30, 1937 was the wettest day in Salem for, as prohibition was to be inaugurated the next day the people drank to their heart's content on the last day on which they could drink.

If the acceptance of office by the Congress attracted greater attention among foreigners interested in Indian politics than any other event in the recent history of the Congress had done, the inauguration of prohibition in Salem aroused in the social workers of various countries keener interest than any constructive activity in modern India had done. Temperance workers and the Press in England welcomed the reform and blessed the venture. Mr. Frederick Grubb, a well-known journalist and prominent

temperance worker in England, in a letter from London published in *The Hindu*, of Madras, wrote: "We have little enough in this country to encourage us in our struggle against the liquor traffic, and the news of such substantial progress in India comes as a real relief in the present somewhat depressing outlook. British friends of temperance send their hearty congratulations to fellow-workers in India upon their having achieved so notable an advance".

He recognized that an institution "so strongly entrenched" as liquor traffic could not be wiped out in a day or even in three years, but he hoped that "the measures already in operation mark the beginning of India's liberation from a traffic which threatened to become a dire menace to her moral and material progress."

The Secretary of the Native Races and the Liquor Traffic United Committee, London, of which His Grace the Duke of Westminster is the president and His Grace the Archbishop of Canterbury and His Grace the Archbishop of York and other bishops are vice-presidents, despatched on behalf of the Committee, a message of good cheer and congratulations to the people of India on the adoption of prohibition in Madras.

The message said: "India has of recent years taken a strong lead against the liquor traffic, and this further attempt to rid itself of its ravages, is a fine example to the rest of the world. We sincerely hope that the remaining provinces will soon come into line so that the whole of India will be able to continue its advancement, unfettered by a trade which

has proved to be the cause of so much degradation and misery among the people."

The prohibition programme received the warm appreciation not only of temperance organizations and prohibition leaders, but of Christians and missionary bodies also. The General Assembly of the South India United Church passed a resolution expressing appreciation of the Madras Government's efforts and assuring the Prime Minister of the whole-hearted support of the Church. The Indian Secretary of the National Christian Council of India and the Rev. A. Rallia Ram, General Secretary of the Student Christian Movement, also supported the prohibition scheme.

Generally all communities welcome the reform. Some sections of the Catholics were vehement against the provision in the Bill requiring any person or institution, which has to possess and use liquor for any religious purpose in accordance with ancient custom, to obtain a permit for such possession or use of liquor. While under section 16 of the Prohibition Act Government have taken the power to notify the exemption from the operation of the law of any liquor used for scientific, medicinal and industrial purposes, the Catholics complained that it had not been deemed fit to extend this exemption to wine used for religious purposes. Section 30 provides for the grant of permits, but as the Rev. Father Jas A. E. Fernandez, Rector, San Thome Seminary, Mylapore, Mr. S. J. Gonsalves, M. L. C., and Mr. J. A. Saldanha, M.L.C. and a few others pointed out, there was a world of difference between a use permitted by a licence and a

use allowed by the recognition of a right. The Premier assured these persons that all facilities would be given to the Catholics in regard to the application of that provision, but the Catholics still demanded a statutory guarantee.

All parties agreed that the reform would be of great value, but some of them were sceptical and had great misgivings about the scheme.

Sir Chemanlal Setalvad, President of the 19th session of the National Liberal Federation at Calcutta on December 29, 1937, said:

> "The scheme of prohibition, though excellent in theory, is beset with many practical difficulties bound to bring the Ministries into financial trouble. The Madras Premier said the other day that the sacrifice of revenue by prohibition policy can be made up by righteous conduct on the part of the people and thereby saving money to the State in crime prevention activities and for other departments dealing with breaches of the law. One is amazed that a practical administrator should imagine that people would, overnight or at any time, be of such strictly righteous conduct so as to enable the State to do away with or very substantially curtail departments for prevention of crimes and breaches of the law in order that the savings thereby effected may fill the treasury depleted by prohibition policy."

The All-India Conference of Indian Christians held at Calcutta in Christmas week, 1937, Kunwarani Lady Maharaj Singh presiding, passed a resolution

supporting the prohibition policy. The Conference called upon the churches, missionary societies and Christian institutions to support the reform.

> " Salem is to-day a district toward which many eyes are turned. Much has been said and written for and against the policy of prohibition on which my Government have here embarked, but none will question the sincerity or courage of the step which has been taken, and I am glad to know that my Ministers can rely on your warm co-operation in their endeavour. I shall watch its progress with the closest interest."

These words were spoken by His Excellency Lord Erskine, Governor of Madras, in October 1937 during a tour of the Salem district. Indeed, none doubted the sincerity of the step.

Intoxication having been one of the causes of minor offences, such as causing hurt, assault, etc., in the Salem district, prohibition had proproduced a remarkable result in bringing down these offences. When the reform had been in force only for a few months the police records showed that this class of offences had fallen by about 50 per cent. The people were co-operating with the authorities in the progress of the reform, but the Premier urged the district for greater effort and for missionary zeal. In a Press *communique* issued a month after the reform had been in operation he stated :

> " Official reports indicate that the first month of prohibition has not been without its undoubted moral effect. But the good start thus obtained

requires to be pursued by strenuous. effort. Leaders of people should not take it for granted that prohibition will succeed, but should organize vigorously for its success. Unless the people of every village and town take it as a glorious and proud privilege to help the cause, official detection and enforcement by themselves will not help. The Premier desires to tell his colleagues and old fellow-workers in the district that he is not satisfied with the volume of work so far put forth.

Counter-attractions of a rural kind and, in keeping with local conditions, should be organized as a social duty hitherto neglected. Leaders and social workers should be moving as if everyone of them were specifically posted to this duty. The savings of those who were formerly drinking should be directed to the savings banks and co-operative socities should immediately organize this. It is hoped that at least five men in each village will make it a point to move closely with those who were formerly drinking every day and help them to the right path and see that the village is kept pure and crimeless. Five earnest men always on the spot can do more than fifty constables at the Taluk headquarters. The Premier appeals to the people of Salem to set about working and see that the golden dawn breaks into day."

The Government realised the need to direct the savings of the people into co-operative societies or thrift organizations and to promote counter-attrac-

tions suited to local conditions. To organize this activity they appointed a special officer as Rural Development Officer. His functions were described in a Press note issued by the Minister for Public Information. The note said:

"With a view to tackling more effectively the social and economic problems that have arisen on the enforcement of the policy of prohibition in the Salem disirict, the Government have sanctioned the appointment of a Special Development Officer for that district.

"It will be his endeaveur to build up a programme of life for the villager at once useful and attractive. The Special Development Officer will assist the Collector of Salem and carry out the rural reconstruction programme of the Government. In particular, he will bring home to the villagers the benefits of thrift and industry.

"Co-operative thrift societies will be organized and the villagers will be encouraged to deposit their small savings in these societies.

"Tappers thrown out of employment will be persuaded to take to the manufacture of jaggery and other cottage industries on co-operative lines as far as possible.

"On the social side it will be his duty to try and create a new environment for the villagers by organizing for them entertainments and amusements. The officer will do his best to enlist the sympathy and co-operation of non-official agencies both in formulating and executing his schemes."

XIII

CONSTRUCTIVE EFFORT

Any scheme of prohibition which disregards the social side of the problem will harm the individual in the very attempt to help him...... prohibition we do need. But prohibition without adequate substitutes will increase social evils and social pathology rather than eliminate them.

—**John Barnabas in " The Harijan "**

A village in the Salem district. A cottage covered with dry leaves and enclosed with mud walls—a group of villagers gathered around a flickering lamp and squatting opposite a picture of Mahatma Gandhi begin a programme of bhajana with a song in praise of prohibition.

These villagers acknowledge the benefits they have received from this reform. A slice of their income, which had been formerly spent on drink, is now being utilised for better expenditure.

The labourer returns home early at night, the evening programme of insobriety having been removed from the daily routine. He brings his wages home in full; the housewife is able to provide him with better food than she was able to do formerly; the children are clothed well. The family has a

hearty meal; the elders meet at the village common place and join in a bhajana party. This has a moral effect on the village. The whole village knows that this change has been wrought by prohibition.

This scene of healthy social life is a common feature of the villages in the Salem district and of slums and other residential areas of the poor and the backward in the whole district.

The Madras Government are satisfied with the progress of the reform and have decided to extend the reform to two other districts, Cuddapah and Chittoor, with effect from October 1938.

Prohibition has been working satisfactorily. The claim of the reformers that legislation would help the majority of those who were addicted to liquor but were too weak-minded to give it up has been justified. At the lowest estimate, according to a statement of the Collector of Salem reviewing the progress of prohibition during the first 100 days of its working, 90 per cent of persons formerly addicted to drink had become teetotallers in the fullest sense of the term. Only a small percentage of them, especially those on the frontiers of the prohibition district were trying to evade the law. Tappers thrown out of employment were trained in the coconut jaggery industry and the co-operative societies were helping in the marketing of this jaggery.

People are living better lives than before, and some of them have invested their savings from prohibition in purchasing sheep or goats, in setting up poultries and similar supplementary sources of income. On the whole the tone of village life has

improved. Being free from the drink habit the wage-earner lives a healthier and cleaner life than before. The family, which had sufferred formerly for the indiscretion and helplessness of its principal bread-winner, is now happy. For when he was a moral wreck the family could not receive from him the right guidance; nor could the children be brought up in the right ways of life. The divinity in man was lost and the possibilities of man rising to his full stature were too few. Now when the wastage has been arrested the economic condition of the family has improved. The children are fed better and the poor women who had often to be content with but one meal have another meal, too. The reform has effected a valuable change in the psychology of man. When he realises the benefits of the reform in his very daily life and in the improvement of his family he repents his folly, he is ashamed of the vice which kept him low and determines to get the best out of the reform and to improve himself all-round.

"I am convinced, after three months' experience that prohibition is proving a great boon to the poorer classes," said the District Collector of Salem (Mr. A. F. W. Dixon, I.C.S.) in a report he made in March 1938 on the progress of prohibition.

Prohibition is not an end itself; it is a means to a noble end, namely, the improvement of man and the social and economic regeneration of the masses. Having introduced this reform the Government have on themselves the dual responsibility of preventing the people from relapsing into drink and of making use of prohibition as an effective means of

raising the poor and helping the villager towards a nobler life.

The history of prohibition efforts in other countries shows that unless the reform is supported by public opinion and unless the enthusiasm for the reform is kept up till man has developed the will to resist the temptation of liquor at any future date and thus the possibility of relapse into the evil has been removed, prohibition legislation would not have achieved its purpose. It is unwise to judge of the reform from its success in a few months and feel confident that it will be a success in the future also. The effect of a remedy may be satisfactory for some time after it has been adopted, but if it is to be of permanent value and to eradicate the disease it should be virile enough till it ensures a permanent cure. So prohibition should be maintained actively and vigorously till it has rooted out the evil of drink. The temperament and psychology of the former addict should be so changed that he will resist the temptation of liquor in any circumstances and will not resort to it at any time in future.

The addict could be reformed permanently only if he is helped to develop new tastes and adopt ways of life which will be the best guarantee against his yielding to the temptation of liquor and giving himself over to the vice again.

Mr. John Barnabas, an ardent reformer, discussing the social aspect of prohibition, in a very instructive article in *The Harijan*, points out that the average man is not a wilful drinker. Liquor provides him welcome relaxaion and the toddy shop gives

him the joy and delight which are otherwise denied to him. "The toddy shop appeals to a fundamental social instinct, sociality," Mr. Barnabas declares. Alcohol helps him to forget for a time at least all his miseries and is therefore a "psycho-cure-all."

Inquiries and personal talks with addicts have revealed the fact that a large percentage of them indulged in liquor because it provided them the only means of relaxation and the toddy shop was the only place where they could meet and move with fellow-men in ease and with the freedom of club life. Mr. Barnabas, quotating from statistics relating to conditions in America, says that inquiries made among patients whose ailments were traced to alcohol in New York showed that 52·5 per cent. of these people were addicted to drink because of the advantage of sociability it gave them. So when the toddy shop has been swept out of existence a substitute for it should be provided so that the former addict might here receive relaxation which he had formerly found in the toddy shop. Gandhiji, endorsing the suggestions of Mr. Barnabas, commended the article to every Excise Minister anxious for success for his prohibition policy and emphasised that "every liquor shop should be turned into a refreshment club. The money is there: the excise revenue during the transition period."

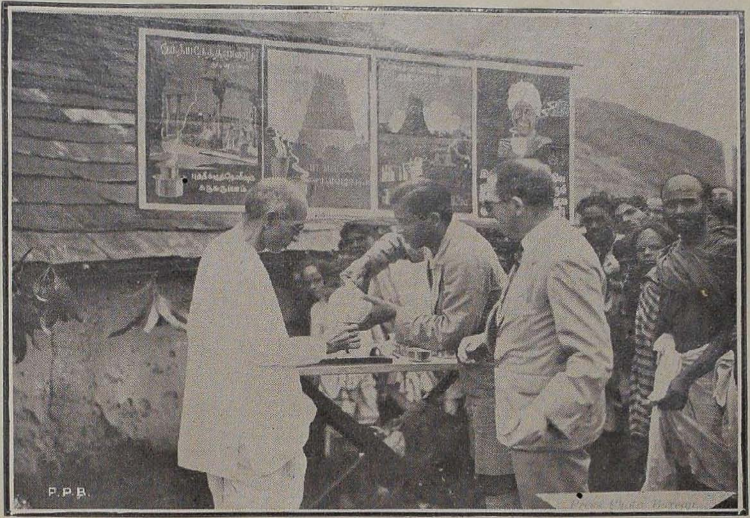
Government are aware of this need. During the debate on the Prohibition Bill in the Madras Council the Premier agreed that suitable counter-attractions should be provided for the benefit of former addicts. He wanted time to think over aspects of the future work to keep up the reform, and assured the

Presidency that Government would not "go to sleep" over that question. Reviewing the progress of the reform during the first month of prohibition in Salem he said: "counter-attractions of a rural kind and in keeping with local conditions should be organized as a social duty hitherto neglected. And in pursuance of this object a Development Officer has been appointed.

The counter-attractions include the provision of harmless and cheap beverages as substitutes for alcolic drinks at hours when formerly the latter were resorted to and the provision of diversions which would turn the mind of the former addict effectively from injurious drinks. The former addict should be trained to give up the attitude "to eat, drink and be merry, for tomorrow we die" and should be educated to a level when ignorance and improvidence would not be the causes of his ruin by drink.

Dewan Bahadur S. Srinivasaraghava Ayyangar, a great administrator who wrote a monumental book, *Progress of the Madras Presidency during Forty Years*, urged that the excise revenue should be spent entirely in the amelioration of the moral and intellectual condition of the classes to whose ignorance and improvidence it owes its existence."

Gandhiji emphasised in an article in *The Harijan* that attention should be concentrated on places where opportunities for getting drunk are the greatest, that mill-owners and factory-owners should be asked to provide bright refreshment-stalls where refreshing drinks such as sugarcane juice and diversions such as games and lantern shows will be pro-



THE MADRAS PREMIER'S PROHIBITION DRIVE.–The Hon. Mr. C. Rajagopalachariar is receiving a cup of tea from a tea stall opened at the site of a former toddy shop.

vided. The grog-shops should be turned into recreation centres, he said.

This task of weaning the poor from liquor was discussed by the Labour Commission which recommended that substitutes in the form of recreation and amusements, reading rooms, parks, radio and village clubs, be provided.

These efforts to prevent the addicts from relapsing into the drinking habit will be valuable, but an organized effort at improving their material condition is also necessary. Prohibition will put an end to the consumption of liquor, but the money saved by this reform should not be wasted on other unnecessary or unwholesome practices. The former addict should be helped to widen his outlook, to acquire knowledge, to develop himself to a stage when he will be an efficient man, a useful member of his family, a happier individual and an enlightened citizen.

The cooperative department should find the prohibition area a congenial ground for the organization of thrift societies and other institutions to promote the material welfare of the villager in all directions. The Reserve Bank of India, in its report on rural credit, emphasised the need for increased cooperative work in the villages so as to promote the condition of the villagers in all directions. And in Salem, Cuddapah and Chittoor the people should be helped to lay by their savings rendered possible by prohibition for a rainy day or for their improvement. This task is urgent for the report on the progress of prohibition in Salem shows that gambling has increased since the introduction of prohibition. The savings rendered

possible by prohibition should be received at the Savings Bank or thrift society and not allowed to be wasted on vices other than drinking.

The Education Department will find the districts fertile for experiments in regard to the removal of illiteracy and the promotion of adult education. Similarly, every other nation-building department might harness the new enthusiasm among the people to productive pursuits.

Further the toddy-tappers and others employed in the liquor trade have to be provided with other employment.

Though Government have the primary responsibility in the matter still the people should not shift the burden entirely to Government. Prohibition is not the only scheme to which the new governments in the Provinces have to direct their attention ; there are various other tasks equally important and urgent. Therefore, a good share of the responsibility of making prohibition a success devolves on the enlightened public. Especially in activities of a reformist or missionary character, non-official agencies could render the best and most enduring service. There are philanthropists in this country, but if their generosity is to be of real benefit to society they should interest themselves in causes that affect humanity as a whole, in activities to elevate man to a higher plane than he occupies, and in schemes which help to raise the low to the level of the high and to place man on the road to progress. These philanthropists have now a golden opportunity. If only they come forward to help in the cause of prohibition by found-

ing organizations to provide healthful recreation to the villagers and by providing adult schools or by supplying the nucleus for a broad-based scheme for the moral and material improvement of the masses, they would have rendered lasting service and helped India to write a new chapter in the history of humanity. For, the success of prohibition in India would be a triumph of the East over the West, of Indian culture and genius over those in the West.

So far for the problem as it concerns the present. What about the future? The object of prohibition is more to reform society as a whole than to improve the present generation. In fact one principal reason advanced by prohibition enthusiasts is that this reform would be of benefit to the country, particularly through the new generation rid of the vice of drinking. The Hon. Mr. C. Rajagopalachariar, explaining this point, said: "Even assuming that the old people who are addicts would not give it (drink) up, if we only appeal to the younger people, is it not easy, obviously, for the younger people to be saved from this evil?"

This is a laudable ideal, too. But even here the reform can be sustained only if the ideal is kept before the people and each citizen looks upon drinking as a heinous and shameful act, and a vice which no man should commit. For this education is necessary and the evils of alcohol and the ravages it has caused to human society should be emphasised in the school for the benefit of the pupil and outside for the benefit of the adult.

Temperance education is a normal feature of the curriculum of studies in many a western country.

And England has achieved considerable success in this effort. A Royal Commission which investigated the progress of temperance work in England found in 1930 that the system of instilling the ideal of temperance into the minds of the pupils was very valuable:

> "We accept the view that every child ought to receive specific and systematic instruction as to the properties of alcohol, as in all other matters which may affect future health, so that the child may at least be in possession of sound material on which to form a personal judgment when years of discretion are reached."

This was one of the conclusions of that Commission. And this educative work should be as valuable in regard to prohibition in India as it is in regard to temperance in England.

With regard to adults or to the children who do not attend school, a suitable scheme of prohibition education should be evolved. The Public Health staff or a special propaganda staff should take up this work.

Gandhiji, who has been impatient for prohibition, has devoted due attention also to the need to educate the people against the evil. He considers that, till prohibition is universal, the revenue from excise should be used to prepare the people for the reform.

Describing the conditions which are necessary for the success of prohibition, he says that the excise revenue should not be used for "any but prohibition purposes;" that on the expiry of the licences granted to existing liquor shops the shops should

be closed where at least 75 per cent. of the customers demand such closure; that liquor, wherever necessary, should be sold only through Government agency; that wherever possible existing liquor shops should be converted into refreshment and recreation rooms and that causes of the drink habit in typical areas, where people are drunk, should be investigated. His last but most important suggestion is that recognized men or groups of men should carry on absolutely peaceful, silent and educative picketing. Personal visits to addicts so as to convert them are also recommended. Gandhiji realises the need for private agency for this work and observes that voluntary agencies should be encouraged by Government to take up this work.

These suggestions are by no means exhaustive. Government have to devote attention to every aspect of the problem. The very working of the Prohibition Act in various villages, the lessons from the reaction of the people to the reform, the change of psychology in the people benefiting from the reform and the cumulative experiences in various directions will themselves help in deciding upon a practical scheme to ensure permanence of the reform and to set the people on the road to the objective of the reform, namely, the improvement of mankind and the moral and material advancement of the masses.

The introduction of provincial autonomy in India has begun an era of prohibition in India and marked the beginning of a new chapter in the history of the control of liquor traffic. Madras has been the pioneer in prohibition in India, but other provinces

are also committed to this reform. Already, most of them, where the Congress is in power, have passed legislative measures providing for prohibition by stages, the Governments taking the power to introduce the reform in a few select districts, and then to extend it to other areas. The features of the scheme differ from one province to another, but the object of the measures in all the provinces is to enforce prohibition within a specific time and to prepare the people for the total elimination of the drink evil from society.

In the Punjab, Government propose to enforce local option in some districts.

In the Sind Assembly in March 1938, the Premier, Sir Ghulam Hussain Hidayatullah, announced that Government were willing to introduce total prohibition of charas (the resin of the hemp plant and an intoxicant in common use there) with effect from 1939-40. This reform would entail on Government a loss of revenue of Rs. 4 lakhs and an expenditure of about Rs. 50,000 on measures to prevent smuggling. The Premier added that Government would appoint a committee to devise ways and means to make up the deficit.

But the other provinces have decided upon a policy of steady and cautious extension of prohibition. Such a policy will enable the Governments to benefit from the experience gained in the early stages of the reform and also give them time to make up for the loss of revenue from prohibition either by new taxation or by other methods. The excise revenue occupies a high place in the budget of the provincial

Governments. It was Rs. 3,94,12,600 out of a total revenue of Rs. 16,39,66,000 in Madras during the year 1936-37, Rs. 3.30,54 lakhs out of a total revenue of Rs. 14.10,59 lakhs in Bombay. Rs. 1,34,66,000 out of Rs. 11,50,53,000 in Bengal, Rs. 1,44,00.000 out of Rs. 11,81,42,461 in the United Provinces and Rs. 99,68,000 out of Rs. 12,92,32,000 in the Punjab.

This revenue will have to be obtained by other means than liquor taxation and fees when prohibition has been extended throughout the provinces.

However, although the problem is not by any means easy of solution, the provinces are determined and, provided the people cooperate with the Governments concerned and public enthusiasm for prohibition ensures permanent reform India will be the first country to eradicate the drink evil and work prohibition successfully.

The Salem effort is successful, and impartial judges are confident that the prospects of permanent reform are bright.

In the Legislature a few members of the Opposition suspected that the reports that the reform was successful were rather exaggerated and thought that it was too soon to judge of the success of prohibition. They pointed out that especially when the annual reports of the Excise Department showed that Salem had been one of the districts where illicit distillation had been rife in the past it was not possible that humanity would have been reformed by prohibition to such an extent as to give up distillation so suddenly as the official reports of the working of prohibition showed.

It was also pointed out that, in spite of the introduction of prohibition in Salem, the total receipts from the Excise Department for the whole year had increased; therefore, it was urged, while enforcing prohibition in select areas, Government should reduce the number of liquor shops in the rest of the province and introduce other measures to combat the drink evil there and prepare the people for prohibition.

Mysore is watching the progress of prohibition elsewhere in India. The policy of the Mysore Government has been to reduce consumption of liquor and intoxicating drugs by careful regulation of manufacture or sale. While this policy has been successful, Government also want to adopt other measures of proved efficacy. As a first step towards a further reform they have decided to close liquor and drug shops in a few villages within the scope of a Health Unit.

"God willing, prohibition has come to stay. Whatever other contribution may or may not be made by the Congress, it will go down to history in letters of gold that the Congress pledged itself to prohibition in 1920, and redeemed the pledge at the very first opportunity without counting the cost." This was Mahatma Gandhi's statement in an article replying to a critic advising the Congress to be cautious in regard to the reform.

With a similar ring of certainty Mr. C. Rajagopalachariar said that the prohibition reform was going to make or mar the reputation of Congress. He had faith in his people and so felt confident that the measure would be successful.

Events so far have justified their optimism. . The world wishes them all sucess and watches the progress of the reform in Salem and elsewhere with keen interest.

APPENDIX

THE MADRAS PROHIBITION ACT

An Act to introduce and extend the prohibition of the manufacture, sale and consumption of intoxicating liquors and drugs in the Province of Madras.

WHEREAS it is expedient as early as possible to bring about the prohibition, except for medicinal, scientific, industrial or such like purposes, of the production, manufacture, possession, export, import, transport, purchase, sale and consumption of intoxicating liquors and drugs in the Province of Madras;

AND WHEREAS it is desirable to give effect to the abovementioned policy by introducing it in certain selected areas in the said Province and utilizing the experience gained therein for extending it to the other areas thereof;

IT is hereby enacted as follows:—

CHAPTER I.—PRELIMINARY.

1. (1) This Act may be called the Madras Prohibition Act, 1937.

(2) It extends to the whole of the Province of Madras.

(3) (*a*) This section and sections 3 and 6 shall come into force in the whole of the Province of Madras at once.

(*b*) The rest of this Act shall come into force—

(i) in the district of Salem, at once; and

(ii) in any other local area in the Province of Madras on such date as the Provincial Government may, by notification, appoint.

2. From the date on which the provisions of this Act other than sections 1, 3 and 6 come into force in any local area, the enactments mentioned in the Schedule shall cease to be in force in such area to the extent specified in the fourth column thereof:

Provided that the Provincial Government may, by notification, declare that the provisions of this Act other than sections 1, 3 and 6 shall cease to be in force in any local area on such dates as may be specified in the notification and thereupon the enactments mentioned in the Schedule with any subsequent statutory modifications thereof shall revive and come into force in such area with effect on and from such date.

3. In this Act, unless there is something repugnant in the subject or context—

(1) "bottle" means to transfer liquor from a cask or other vessel to a bottle, jar, flask or pot or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes rebottling.

(2) "buy" or "buying" includes any receipt, including gift.

(3) "Collector" means a Collector of land revenue, or any person appointed under clause (*b*) of

section 25 to exercise all or any of the powers or to perform all or any of the duties of a Collector under this Act.

(4) "Commissioner" means the officer appointed under clause (*a*) of section 25.

(5) "cultivation" includes the tending of a plant during growth and does not necessarily imply raising it from seed.

(6) "export" means—

(*a*) to take out of any local area to which this Act applies to any other local area in the Province of Madras to which this Act has not been extended, or

(*b*) to take out of the Province of Madras otherwise than across a customs frontier as defined by the Central Government.

(7) "import" means—

(*a*) to bring inte any local area to which this Act applies from any other local area in the Province of Madras to which this Act has not been extended, or

(*b*) to bring into the Province of Madras, otherwise than across a customs frontier as defined by the Central Government.

(8) "intoxicating drug" means—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (*Cannabis sativa* L.) including all forms known as *bhang*, *siddhi*, or *ganja* ;

(ii) *charas*, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations

other than those necessary for packing and transport;

(iii) any mixture, with or without neutral materials, of any of the above forms of intoxicating drug or any drink prepared therefrom; and

(iv) any other intoxicating or narcotic substance which the Provincial Government may, by notification, declare to be an intoxicating drug, such substance not being opium, coca leaf, or a manufactured drug, as defined in section 2 of the Dangerous Drugs Act, 1930.

(9) "liquor" includes toddy, spirits of wine, methylated spirits, spirits, wine, beer and all liquid consisting of or containing alcohol;

(10) "local body" means the Corporation of Madras, any municipality constituted under the Madras District Municipalities Act, 1920, or any local board constituted under the Madras Local Boards Act, 1920;

(11) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous, or intoxicating liquor or intoxicating drug is produced, prepared or blended, and also re-distillation and every process for the rectification of liquor;

(12) "place" includes also a house, shed, enclosure, building, shop, tent and vessel;

(13) "police station" includes any place which the Provincial Government may, by notification, declare to be a police station for the purposes of this Act;

(14) "Prohibition Officer" means the Commissioner, a Collector, or any officer or other person lawfully appointed or invested with powers under section 25;

(15) "rectification" Includes every process whereby spirits are purified or are coloured or flavoured by mixing any material therewith;

(16) "sale" or "selling" includes any transfer including gift;

(17) "spirits" means any liquor containing alcohol and obtainad by distillation (whether it is denatured or not);

Explanation.—"Denatured" means subjected to a process prescribed by the Provincial Government by notification for the purpose of rendering unfit for human consumption;

(18) "sweet toddy" means juice drawn into receptacles treated so as to prevent so as to prevent any fermentation;

(19) "toddy" means the fermented or unfermented juice drawn from a coconut, palmyra, date, or any other kind of palm tree; and

(20) "transport" means to move from one place to another within any local area to which this Act applies.

CHAPTER II.—PROHIBITIONS AND PENALTIES.

4. (1) Whoever,

(*a*) imports, exports, transports or possesses liquor or any intoxicating drug; or

(*b*) manufactures liquor or any intoxicating drug ; or

(*c*) except in accordance with the rules made by the Provincial Government in that behalf, cultivates the hemp plant (*Cannabis sativa*) ; or collects any portion of such plant from which an intoxicating drug can be manufactured ; or

(*d*) taps any toddy-producing tree or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession ; or

(*e*) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession ; or

(*f*) constructs or works any distillery or brewery ; or

(*g*) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug ; or

(*h*) bottles any liquor for purposes of sale ; or

(*i*) sells liquor or any intoxicating drug ; or

(*j*) consumes or buys liquor or any intoxicating drug ; or

(*k*) allows any of the acts aforesaid upon premises in his immediate possession

shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both :

Provided that nothing contained in this sub-section shall apply to any act done under, and in accord-

ance with, the provisions of this Act or the terms of any rule, notification, order, licence or permit issued thereunder.

(2) It shall be presumed until the contrary is shown—

(*a*) that a person accused of any offence under clauses (*a*) to (*j*) of sub-section (1) has committed such offence in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoeyer for the tapping of toddy or the manufacture of liq uor or any intoxicating drug or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug, for the possession of which he is unable to accoount satisfactorily ; and

(*b*) that a person accused of any offence under clause (*k*) of sub-section (1) has committed such offence if an offence is proved to have been committed in premises in his immediate possession in respect of any liquor or intoxicating drug or any still, utensil, implement or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug.

Punishment for rendering or attempting to render denatured spirits fit for human consumption.

5. Whoever renders or attempts to render fit for human consumption any spirit, whether manufactured in British India or not, which has been denatured or

has, in his possession, any spirit in respect of which he knows or has reason to believe that any such attempt has been made shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

For the purpose of this section it shall be presumed, until the contrary is proved, that any spirit which is proved on chemical analysis to contain any quantity of any of the prescribed denaturants, is or contains or has been derived from denatured spirit.

Prohibition of advertisements.

6. Whoever prints or publishes in any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter commending, soliciting the use of, or offering any liquor or intoxicating drug other than liquor or drugs exempted under Section 16, or specially approved as of medicinal value by the Medical Council established by the Madras Medical Registration Act, 1914, shall be punished with fine which may extend to one thousand rupees:

Provided that this section shall not apply—

(*a*) to plain catalogues and price lists which may be generally or specially approved by the Commissioner; or

(*b*) to the normal circulation within the Province of newspapers, periodicals and books printed and published in accordance with law outside the Province; or

(c) to any advertisement contained in a newspaper printed and published in the Province before the first day of January 1938.

Punishment for conspiracy.

7. When two or more persons agree—

(a) to commit or cause to be committed any offence under sub-section (1) of Section 4 or under Section 5, or

(b) to evade or nullify the provisions of this Act in any area where it is in force,

each of such persons shall, notwithstanding that no act except the agreement was done by any of the parties thereto in pursuance thereof or that the agreement was made or the operations thereunder took place in an area to which this Act has not been extended, be punished with imprisonment which may extend to three years or with fine which may extend to five thousand rupees or with both.

Punishment for vexatious search or arrest.

8. Any officer or person exercising powers under this Act, who—

(a) without reasonable ground of suspicion, enters or searches or causes to be searched, any closed place; or

(b) vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act, or

(c) vexatiously and unnecessarily detains, searches or arrests any person; or

(*d*) maliciously and falsely lays information leading to a search, seizure, detention or arrest; or

(*e*) in any other way maliciously exceeds his lawful powers,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

9. Any officer or person exercising powers under this Act, who vexatiously and unnecessarily delays forwarding to a Prohibition Officer or to the officer in charge of the nearest police station as required by Section 38, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees.

Punishment for abetment of escape of persons arrested, etc.

10. Any officer or person exercising powers under this Act who—

(*a*) unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

(*b*) acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, and any other officer of the Provincial Government or of a local body who abets the commission of any offence against this Act,

shall be punished with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Punishment for offences not otherwise provided for.

11. Whoever is guilty of any wilful act or intentional omission in contravention of any of the provisions of this Act, or of any rule, notification or order made thereunder and not otherwise provided for in this Act, shall be punished with fine which may extend to two hundred rupees.

Punishment for abetment of offence against Act in area to which Act is not extended.

12. Where any offence against this Act is committed in any area to which it has been extended, whoever commits, or attempts to commit, or abets the commission of, any of the acts making up the offence shall be liable to be punished therefor, whether such commission, attempt or abetment takes place within or outside such area.

13. In any case in which an offence has been committed against this Act, the liquor, drug, materials, still, utensil, implement, or apparatus in respect or by means of which the offence has been committed shall be liable to confiscation along with the receptacles, packages, coverings, animals, vessels, carts or other vehicles used to hold or carry the same.

14. (1) When the offender is convicted or when a person charged with an offence against this Act is acquitted, but the Court decides that anything is liable to confiscation, such confiscation may be ordered by the Court.

(2) When an offence agaist this Act has been committed but the offender is not known, or cannot be

found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Collector or other Prohibition Officer in charge of the district or by any other officer authorized by the Provincial Government in that behalf, who may order such confiscation:

Provided that no such order shall be made until the expiration of fifteen days from the date of seizing the things intended to be confiscated or without hearing the persons, if any, claiming any right thereto, and evidence, if any, which they produce in support of their claims.

Offences under Act to be cognizable.

15. All offences under this Act shall be cognizable and the provisions of the Code of Criminal Procedure, 1898, with respect to cognizable offences shall apply to them.

CHAPTER III—EXEMPTIONS AND LICENCES.

Power to notify exemptions.

16. (1) The Provincial Government may, by notification and subject to such conditions as they think fit, exempt any specified liquor or intoxicating drug or article containing such liquor or drug from the observance of all or any of the provisions of this Act on the ground that such liquor, drug or article is required for a medicinal, scientific, industrial or such like purposes.

(2) When issuing a notification under sub-Section (1), the Provincial Government shall have

power to provide that a breach of any of the conditions subject to which the exemption is notified shall be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 1,000 or with both.

Exemption of bona fide travellers and lawful consignments.

17. Until the Provincial Government by notification otherwise direct, the provisions of this Act shall not be deemed to apply—

(*a*) to liquor in the possession of *bona fide* travellers for their own personal use while passing through any local area in which this Act is in force; or

(*b*) to lawful consignments of liquor or intoxicating drugs carried by a railway administration through or into any such local area.

Licences for bona fide medicinal or other purposes

18. The Provincial Government, or subject to the control of the Provincial Government the Collector, may issue licences to any person or in respect of any institution whether under the management of Government or not, for the manufacture, export, import, transport, sale or possession of any liquor, intoxicating drug or article containing such liquor or drug, on the ground that such liquor, drug or article is required by such person or in respect of such institution for a *bona fide* medicinal, scientific, industrial or such like purpose.

Licences for tapping for sweet toddy, etc.

19. Subject to the control of the Provincial Government, the Collector or any officer empowered by him may issue—

(*a*) licences for the tapping of any trees for sweet toddy for consumption thereof without fermentation or for the manufacture of jaggery therefrom, or

(*b*) permits for the possession, transport or sale of such toddy.

Permits and licences.

20. The Provincial Government or any officer empowered by them in this behalf may issue—

(*a*) permits authorizing any person to consume and possess for personal consumption any liquor or intoxicating drug;

(*b*) permits authorizing any person or institution to possess and use any liquor for any religious purpose in accordance with ancient custom;

(*c*) licences to any institution to possess liquor and issue it to such of its members as hold permits under Clause (*a*); and

(*d*) licences to any person in charge of a restaurant car attached to a railway train to possess liquor and serve it to *bona fide* passengers travelling by the train.

21. Every licence or permit granted under Section 18, 19 or 20 shall—

(1) be granted on payment of such fees, if any, for such period, and subject to such restrictions and limitations and on such conditions; and

(2) be in such form and contain such particulars as the Provincial Government may direct either generally or in any particular case.

22. Every person taking out any licence or permit under Section 18, 19 or 20 may be required to execute a counterpart agreement in conformity with the tenor of his licence or permit, and to give such security for the performance of his agreement as the Collector may require.

23. (1) The Collector may cancel or suspend any such licence or permit—

(*a*) if any fee payable by the holder thereof be not duly paid; or

(*b*) in the event of any breach by the holder of such licence or permit or by his servants or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit; or

(*c*) if the holder thereof is convicted of any offence against this Act, or of any cognizable and non-bailiable offence; or

(*d*) if the conditions of such licence or permit provide for its cancellation or suspension at will; or

(*e*) if the purpose for which the licence or permit is granted ceases to exist.

(2) The Provincial Government may cancel or suspend any such licence or permit without assigning the aforesaid or any other reasons.

Penalty for breach of the conditions of licences and permits.

24. In the event of any breach by the holder of such licence or permit or by his servants or by any one

acting with his express or implied permission on his behalf, of any of the terms or conditions of such licence or permit, such holder shall, in addition to the cancellation or suspension of the licence or permit granted to him, be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both, unless he shall establish that all due and reasonable precautions were exercised by him to prevent any such breach.

Any person who commits any such breach shall, whether he acts with or without the permission of the holder of the licence or permit, be liable to the same punishment.

CHAPTER IV.—ESTABLISHMENT AND CONTROL.

25. The Provincial Government may, from time to time, by notification—

(*a*) appoint an officer to exercise all the powers of a Collector under this Act in all local areas in which it is in force and to have the control of the administration of the provisions of this Act in such areas;

(*b*) appoint any person other than the Collector of land revenue to exercise within a district all or any of the powers and to perform all or any of the duties of a Collector under this Act, either concurrently with or in exclusion of the Collector of land revenue, subject to such control as the Provincial Government may from time to time direct;

(*c*) withdraw from the Commissioner or the Collector of land revenue any or all of the powers conferred on him by this Act;

(*d*) appoint paid or honorary officers with such designations, powers and duties as the Provincial Government may think fit;

(*e*) order that all or any of the powers and duties assigned to any person under Clause (*d*) shall be exercised and performed by any existing Government official or any other person; and

(*f*) delegate to any Prohibition Officer all or any of their powers under this Act.

Prohibition Committees.

26. (1) The Collector or other Prohibition Officer in charge of a district may constitute prohibition committees in every taluk thereof to assist him in carrying out the objects of this Act in the district.

(2) Every member of a prohibition committee shall observe the working of this Act in his taluk and report thereon and on every matter connected therewith at the prescribed intervals and at any other time he thinks fit, to the Collector or other Prohibition Officer aforesaid.

(3) Every member of a prohibition committee shall be entitled to give information at any police station in his taluk regarding the commission or suspected commission of any offence against this Act in such taluk, and the officer in charge of such station shall take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure, 1898.

27. The Provincial Government may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the

officers or classes of officers or persons mentioned in Section 32 throughout the Province or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the offence for which such person has been arrested, and may cancel or vary such notification.

CHAPTER V.—POWERS, DUTIES AND PROCEDURE OF OFFICERS, ETC.

28. If any Collector, Prohibition Officer or Magistrate upon information obtained and after such inquiry as he thinks necessary, has reason to believe that an offence under sub-Section (1) Section 4 has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil implement or apparatus in respect of which the alleged offencs has been committed. Any person who has been entrusted with the execution of such a warrant may detain and search, and if he thinks proper, arrest any person found in the place searched, if he has reason to believe such person to be guilty of any offence under this Act.

Provided that every person arrested under this section shall be admitted to bail by the person arresting, if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

Before issuing such warrant, the Collector, Prohibition Officer or Magistrate shall examine the informant on oath and the examination shall be reduced into writing in a summary manner and be signed by the

informant, and also by the Collector, Prohibition Officer or Magislrate.

29. Whenever a Collector, any Prohibition Officer not below such rank as the Provincial Government may determine, any Police Officer not below the rank of sub-Inspector, any officer in charge of a police station, or any other paid or honorary officer authorised by the Provincial Government in this behalf has reason to believe that an offence under sub-Section (1) of Section 4 has been committed and that the delay occasioned by obtaining a search warrant under Section 28 will prevent the execution thereof, he may, after recording his reasons and the grounds of his belief, at any time by day or night enter and search any place and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he thinks proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act:

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his appearance either before a Magistrate or before a Police or Prohibition Officer as the case may be.

Power to enter and inspect places of manufacture and sale

30. The Collector, any Prohibition Officer not below such rank as the Provincial Government may determine, or any Police or other paid or honorary officer authorized by the Provincial Government in this

behalf, may enter and inspect, at any time by day or by night, any place in which it is reasonably suspected that any person draws toddy or carries on the manufacture of any other liquor or any intoxicating drug, or stores any liquor or intoxicating drug ; and may enter and inspect, at any time, any place in which any liquor or intoxicating drug is reasonably suspected to be kept for sale by any person ; and may examine, test, measure or weigh any material, still, utensil, implement, apparatus, liquor or intoxicating drug found in such place.

31. If any officer empowered to make an entry under Sections 28, 29 or 30 cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacles to his entry into any such place.

Arrest of offenders and seizure of contraband liquor and articles without warrant.

32. Any Prohibition Officer, any officer of the Police or Land Revenue departments, and any other person authorized in that behalf—

(*a*) may arrest without warrant any person found committing an offence punishable under sub-Section (1) of Section 4 ;

(*b*) may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act ; and

(*c*) may search any person, vessel, vehicle, animal, package, receptacle or covering, upon whom, or in or upon which, he may have reasonable cause or suspect any such liquor, drug or other article to be, to to be concealed :

Provided that if the officer or person making the arrest under this section be not empowered under Section 27 to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered, if such an officer is known to be within a distance of five miles from the place where such arrest took place. And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or Magistrate having jurisdiction to inquire into the case.

33. Any person, who may be accused or reasonably suspected of committing an offence against this Act, and who on demand made by any Prohibition Officer or any officer of the Police or Land Revenue departments or by any other person authorized in that behalf refuses to give his name and residence or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained.

34. All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898.

Duty of Officials of all departments and local bodies to assist

35. Officials of all departments of the Provincial Government and of all local bodies shall be legally bound to assist any Prohibition or Police Officer in carrying out the provisions of this Act.

36. Every official employed by the Provincial Government or by any local body, other than a Police or Prohibition Officer, shall be bound to give immediate information at the nearest police station or to a Prohibition Officer, of all breaches of any of the provisions of this Act which may come to his knowledge; and all such officials shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Landholders and others to give information.

37. All zemindars, proprietors, tenants, under-tenants and cultivators who own or hold land or house-property on or in which there shall be any tapping for toddy or manufacture of liquor or intoxicating drugs shall in the absence of reasonable excuse be bound to give notice of the same to a Magistrate or to a Prohibition Officer or to an officer of the Police or Land Revenue departments immediately the same shall have come to their knowledge.

Persons arrested how to be dealt with.

38. (1) When any person is arrested under the provisions of section 28, 29, 32 or 33, the person arresting him shall, unless bail shall have been accepted under the provisions of section 28, 29 or 32, forthwith forward him to the nearest police station or to a Prohibition Officer, with a report of the circumstances under which such arrest was made.

Procedure of police station officer.

(2) On any such person being brought to a police station as aforesaid, the officer in charge thereof

shall either admit him to bail to appear when summoned, before himself, or before the Prohibition Officer if any, or any Police Officer within the limits of the jurisdiction of which Prohibition or Police Officer, the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer.

Procedure of Police or Prohibition Officer empowered to inquire.

(3) On any such person being brought in custody before a Prohibition or Police Officer as aforeaid or appearing before such officer on bail or when such officer as aforesaid has himself made the arrest such officer shall hold such inquiry as he may think necessary and shall either release such person, or forward him in custody to, or admit him to bail to appear before, the Magistrate having jurisdiction to inquire into or try the case:

Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such officer, he shall, if sufficient bail be tendered for the appearance of the person arrested, admit such person to bail to appear on any subsequent day before himself or any other officer having jurisdiction to inquire into the case.

39. It shall be the duty of any officer arresting any person under the powers conferred by Section 28 or 29 and of any officer in charge of a police station or any Police or Prohibition Officer before whom a person arrested is brought or appears under the provisions of

Section 38 to release such person on bail if sufficient bail be tendered for his appearance before a Police or Prohibition Officer or before a Magistrate as the case may be.

40. (1) Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Police or Prohibition Officer before whom he was bailed to attend, or by the Magistrate, as the case may be.

Provided that the officer admitting any such person to bail may in his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

(2) The Provincial Government shall from time to time determine the form of the bond to be used in any local area.

Procedure in case of default of person admitted to bail to appear before Prohibition Officer.

41. When by reason of default of appearance of a person bailed to appear before a Police or Prohibition Officer, such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to inquire into or try the offence of which the person bailed was accused, and

the Magistrate shall proceed to enforce the payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court.

Power of Police or Prohibition Officers to summon witnesses.

42. Any Police or Prohibition Officer holding an inquiry in the manner provided in Section 38 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control :

Provided that no such officer shall so summon any person to appear before him if the journey to be made for complying with such summons exceeds ten miles by road or fifty miles by rail or such other limits as the Provincial Government may fix.

43. Every summons issued under Section 42 shall state whether the person summoned is required to give evidence or to produce a document, or both, and shall require him to appear before the said officer at a stated time and place..

44. Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer. Such answers shall be reduced to writing and shall be signed by such officer.

45. It shall be lawful for a Police or Prohibition Officer, instead of summoning to appear before him any person who, from sickness or other infirmity, may be

unable so to do, or whom by reason of rank or sex, it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry; and such person shall be bound so to answer accordingly, and the provisions of Section 44 shall apply to such answers.

Power of Police or Prohibition Officer to Summon Suspected Persons.

46. Any Police or Prohibition Officer may, after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Act. On such person appearing before such officer, the procedure prescribed by Sections 38 to 45 shall become applicable.

The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by Sections 42 to 45 before summoning the person suspected.

47. The law for the time being in force as to summonses and compelling the attendance of person summoned in criminal courts shall, so far as the same may be applicable, apply to any summons issued by a Police or Prohibition Officer and to any person summoned by him to appear under the provisions of this Act.

48. When a Police or Prohibition Officer forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits any such person to bail

to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure, 1898.

49. When a Police or Prohibition Officer forwards in custody any person accused of an offence against this Act to the Magistrate having jurisdiction to inquire into or try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure, 1898, on an officer in charge of a police station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case.

Accused not to be detained in Custody for a longer period than twenty-four hours without special authority.

50. No person accused or suspected of having committed an offence under this Act shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in

the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where a Police or Prohibition Officer may be and from thence to the court having jurisdiction to try the case.

51. All officers in charge of police stations shall take charge of and keep in safe custody pending the orders of a Magistrate or of a Prohibition Officer, all articles seized under this Act which may be delivered to them; and shall allow any Prohibition Officer who may accompany such articles to the police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.

52. The District Magistrate shall have power to transfer any case under this Act pending inquiry or trial before any Magistrate or Officer in the district to any other Magistrate or Officer therein.

53. Nothing contained in this Act shall affect the operation of the Code of Criminal Procedure, 1898.

CHAPTER—VI.—Rules and Notifications.

54. (1) The Provincial Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, the Provincial Government may make rules—

(a) for the issue of licenses and permits and the enforcement of the conditions thereof ;

(b) prescribing the powers to be exercised and the duties to be performed by paid and honorary Prohibition Officers in furtherance of the objects of the Act ;

(c) determining the local jurisdiction of Police and Prohibition Officers in regard to inquiries and the exercise of preventive and investigating powers ;

(d) authorising any officer or person to exercise any power or perform any duty under this Act ;

(e) prescribing the powers and duties of prohibition committees and the members thereof and the intervals at which the members of such committees shall make their reports ;

(f) regulating the delegation by the Commissioner or by Collectors or other district officers of any powers conferred on them by or under this Act ;

(g) regulating the cultivation of the hemp plant, the collection of those portions of such plant from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom ;

(h) declaring how denatured spirit shall be manufactured ;

(i) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate, passed under this Act or under any rule made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith ;

(*j*) for the grant of batta to witnesses, and of compensation for loss of time to persons released under sub-Section (3) of Section 38 on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted;

(*k*) regulating the power of Police and Prohibition Officers to summon witnesses from a distance under Section 42; and

(*l*) for the disposal of articles confiscated and of the proceeds thereof.

Publication of rules and notifications.

55. All rules made and notifications issued under this Act shall be published in the Official Gazette and upon such publication, shall have effect as if enacted in this Act.

CHAPTER VII.—Legal Proceedings.

56. No action shall lie against the Crown or against any Prohibition, Police or other officer, for damages in any Civil Court for any Act *bona fide* done or ordered to be done in pursuance of this Act.

57. All Courts shall take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under this Act.

SCHEDULE.

(*See* Section 2.)

Year. (1)	No. (2)	Short title or subject. (3)	Extent of repeal. (4)
		Acts of the Governor of Fort St. George in Council.	
1886	I	The Madras Abkari Act, 1816 ...	The whole.
1905	I	The Madras Abkari (Amendment) Act, 1905.	Do.

1913	I	The Madras Abkari (Amendment) Act, 1913.	Do.
1915	I	The Madras Abkari (Amendment) Act, 1915.	Do.
		Act of the Madras Legislature.	
1929	XVIII	The Madras Abkari (Amendment) Act, 1929.	The whole.
		Act of the Indian Legislature.	
1930	II	The Dangerous Drugs Act, 1930	So much of Schedule II as relates to the Madras Abkari Act, 1886.

RULES AND NOTIFICATIONS

Being a new measure which seeks to prohibit certain practices and activities for the first time now doubts were raised in the minds of the public and certain business interests by several provisions of the Acts. The Government have, therefore, had to clear the points and explain the implications of those provisions. This was done by means of Press notes and *communiques* while questions relating to procedure were explained by means of notifications or orders in the Fort St. George Gazette.

The following is a brief survey of the rules, notifications, Press notes and *communiques*.

RESPONSIBILITIES OF PROPERTY-OWNERS

Explaining a provision of the Act relating to the presumption of guilt a *communique* said :—

The Prohibition Act which has come into force in Salem District since 1st October has cast special res-

ponsibilities upon persons in possession of premises or trees utilised for illicit manufacture or trade in liquor. It is an offence to allow trees in one's possession to be tapped for toddy. It is an offence to allow premises in one's possession to be used for the carrying on of the illicit trade. There is a legal presumption of guilt against persons whose premises or trees are used to further the manufacture or trade in liquor. An important feature of the law is that it penalises consumption or possession of liquor or narcotic drug.

The relevant portions of the Act are extracted below:—

"4 (1) Whoever

(*d*) taps any toddy-producing tree or permits or suffers to be tapped any toddy-producing tree belonging to him or in his possession; or

(*e*) draws toddy from any tree or permits or suffers toddy to be drawn from any tree belonging to him or in his possession; or

(*f*) consumes or buys liquor or any intoxicating drugs; or

(*k*) allows any of the acts aforesaid upon premises in his immediate possession

shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) It shall be presumed until the contrary is shown—

(2) that a person accused of any offence under Clause (*k*) of sub-Section (1) has committed such offence if an offence is proved to have been committed in premises in his immediate possession in respect of

any liquor or intoxicating drug or any still, utensil, implemeni or apparatus whatsoever for the tapping of toddy or the manufacture of liquor or any intoxicating drug, or any such materials as are ordinarily used in the tapping of toddy or the manufacture of liquor or any intoxicating drug."

ADVERTISEMENT OF LIQUORS

The provision of the Act prohibiting advertisements of liquors was explained in a *communique* on 27th October 1937. That *communique* stated :

Enquiries have been made whether the printing of the names of alcoholic liquors on calendars for purposes of advertisement is prohibited by the Madras Prohibition Act, 1937, Section 6 of the Act runs as follows :—

" Whoever prints or publishes any newspaper, book, leaflet, booklet or any other single or periodical publication or otherwise displays or distributes any advertisement or other matter commending, soliciting the use of, or offering any liquor or intoxicating drug other than liquor or drugs, exempted under Section 16, or specially approved as of medicinal value by the Medical Council established by the Madras Medical Registration Act, 1914, shall be punished with fine which may extend to one thousand rupees ;

Provided that this section shall not apply—

(*a*) to plain catalogues and price lists which may be generally or specially approved by the Commissioner.

(*b*) to the normal circulation within the Province of newspapers, periodicals and books printed

and published in accordance with law outside the Province: or

(c) to any advertisemant contained in a newspaper printed and published in the Province before the first day of January 1938."

This section prohibits the distribution of any advertisement or other matter commending, soliciting the use of, or offering any liquor or intoxicating drug other than liquor or drugs exempted under Section 16 or specially approved as of medicinal value by the Medical Council. The distribution of calendars or diaries or other articles on which the names of liquors and drugs which do not fall within the exceptions referred to above are pointed, is therfore an offence. Similarly the display on hoardings, walls, railway stations, etc., of advertisements in respect of such liquors and drugs is also an offence.

MEDICINAL PREPARATIONS.

The exemption of medicinal preparations from the scope of the Act was explained in the following notification:

In exercise of the powers conferred by Section 16 of the Madras Prohibition Act, 1937 (Madras Act X of 1937), the Provincial Government are hereby pleased—

(a) to exempt medicinal preparations, culinary, ærated water and other flavouring essences, extracts and colourings and perfumes and toilet preparations, containing spirit, from all the provisions of the said Act, subject to the following conditions, namely:

(1) that no methylated spirit shall be used in the manufacture of medicinal preparations intended for internal use, and

(2) that duty on the spirit contained in such preparations shall, whether the preparations are manufactured within the area in which the Act is in force or are manufactured elsewhere in India outside the Province of Madras and imported into such area, be paid at the rates specified below, namely—

(*a*) In respect of medicinal preparations specified in items 1 to 87 in the annexure, at Rs. 17-8 per proof gallon.

(*b*) in respect of medicinal preparations specified in items 88 to 90 in the annexure, at Rs. 21-14 per proof gallon.

(*c*) in respect of all other medicinal preparations (not specified in the annexure), at Rs. 10 per proof gallon, and

(*d*) in respect of culinary, ærated water and other flavouring essences, extracts and colouring and in respect of perfumes and toilet preparations, at Rs. 17-8 per proof gallon : and

(*e*) to provide that a breach of any of the condition aforesaid shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

In exercise of the powers conferred by sub-Section (2) of Section 14 of the Madras Prohibition Act, 1937 (Madras Act X of 1937), the Provincial Government are hereby pleased to authorize the undermentioned officers to order the confiscation of articles liable to

confiscation under the said sub-Section, subject to the limits specified against them:

(1) District Superintendents, Deputy Superintendents and Assistunt Superintendents of Police—Articles the value of which does not exceed Rs. 100 in each case.

(2) Inspectors of Police—Articles the value of which does not exceed Rs. 50 in each case.

ADVERTISEMENT OF MEDICATED WINES

The following Press communique regarding medicated wines was issued on 29th January 1938:—

It is hereby notified for general information that "liquor" is defined in the Madras Prohibition Act, 1937, as follows:

"Liquor includes toddy, spirits of wine, methylated spirits, wine, beer and all liquid consisting of or containing alcohol."

Medicated wines and similar preparations containing any percentage of alcohol, including various Ayurvedic preparations going by the name of 'arishtas' and 'asavas' etc., will fall within the above definition. No exemption has been notified in respect of such preparations under Section 16 of the Prohibition Act.

Under Section 4 of the Act (prohibition and penalties) therefore, whoever in the Salem District imports, exports, transports, possesses, manufactures, bottles, sells or consumes such preparations without a licence or allows any of these acts upon premises in his immediate possession, commits an offence. Similarly any

advertisement of such liquors anywhere within the Province of Madras is an offence under Section 6 of the Act except in the case of liquors specially approved as of medicinal value by the Medical Council established by the Madras Medical Registration Act, 1914.

Exemption

The Government are not, however, instituting prosecutions at present, for offences under the Act in respect of the preparations of the nature mentioned above. They propose shortly to publish a list of such preparations as may be sold in Prohibition areas and to notify the conditions and procedure governing such sale.

On such publication, and notification, the provisions of the Act will be rigorously enforced and all traffic in preparations of the above description not included in the list will be dealt with as offences under the Act, and the penal provisions in respect of advertisement will be strictly applied. All persons firms and institutions interested in the matter will be well-advised, therefore, to apply immediately to the Board of Revenue (Separate Revenue) giving full particulars of such medicated wines and other similar preparations as they desire to be recognised for the purpose of sale in Prohibition areas. The name of each preparation, its alcoholic content and its price should be given, in every application, in addition to particulars showing its medicinal value and full reasons for claiming recognition of it as of medicinal value.

At the same time application should be made to the President, Madras Medical Council, Office of the

Surgeon-General, Teynampet, Madras, for special approval under Section 6 of the Act, if it is desired to advertise or to continue the display of advertisements of any medicinal liquor.

ANOTHER EXEMPTION EXPLAINED

Another notification stated as follows:—In exercise of the powers conferred by Clause (*a*) of Section 17 of the Madras Prohibition Act, 1937, the Government of Madras hereby direct—

(1) that the exemption provided for in the said clause shall not extend—

(*a*) to any liquor other than bottled liquor, or

(*b*) to any person who leaves the Railway compartment or other conveyance in which he was travelling and occupies any rest-house, railway refreshment room or other private or public lodging or house; and

(2) that the quantity of bottled liquor which a *bona fide* traveller may possess for the purpose of the said clause shall not exceed three units in all.

Explanation—For the purpose of this notification,—

(i) bottled liquor shall mean—

(*a*) liquor bottled in the province of Madras for the purpose of sale in accordance with the terms of a licence granted under the provisions of the Madras Abkari Act, 1886, or of a permit issued under Clause (*c*) or Section 20 of the Madras Prohibition Act, 1937, and

(*b*) liquor bottled, corked and sealed outside the said province whether in India or not by the manufacturer before issue for sale, and

(ii) a unit shall be taken as equivalent to

(*a*) one quart bottle in the case of whisky and other spirits including liquors;

(*b*) three quart bottles in the case of wine and vermouth

(*c*) and twelve quart bottles in the case of beer and cider.

USE OF LIQUOR BY TRAVELLERS

The following Press *Communique* Governing the use of liquor by travellers was issued on Feb. 23, 1938:

Clause (*a*) of Section 17 of the Madras Prohibition Act, 1937, lays down that, until the Provincial Government by notification otherwise direct, the provisions of the Act shall not be deemed to apply to liquor in the possession of *bona-fide* travellers for their own personal use while *passing* through any local area in which the Act is in force. It is hereby notified for general information that the exemption provided for in this section does not extend to travellers who leave their railway compartment or other conveyance in which they were travelling and occupy any rest-house, railway refreshment room or other private or public lodging or house. The Government have also issued a notification under Section 17 (a) withdrawing the exemption provided for therein in respect of all liquor other than "bottled" liquor and also limiting the quantity of bottled liquor which a *bona fide* traveller may possess while passing through a prohibition area. The said notification has been published at page 177 of Part I of the *Fort St. George Gazette*, dated February 1, 1938. and reads as follows:

In exercise of the powers conferred by Clause (*a*) of Section 17 of the Madras Prohibition Act, 1937 (Madras Act X of 1937), the Government of Madras hereby direct.—

(1) that the exemption provided for in the said clause shall not extend—

(*a*) to any liquor other than bottled liquor; or

(*b*) to any person who leaves the railway compartment or other conveyance in which he was travelling and occupies any rest-house, railway refreshment room or other private or public lodging or house; and

(2) that the quantity of bottled liquor which a *bona fide* traveller may possess for the purpose of the said clause shall not exceed three units in all.

Explanation.—For the purposes of this notification—

(i) " bottled liquor " shall mean—

(*a*) liquor bottled in the Province of Madras for the purpose of sale in accordance with the terms of a licence granted under the provisions of the Madras Abkari Act, 1886, or of a permit issued under Clause (*c*) of Section 20 of the Madras Prohibition Act, 1937 and

(*b*) liquor bottled, corked and sealed outside the said province whether in India or not by the manufacturer before issue for sale, and

(ii) a unit shall be taken as equivalent to—

(*a*) one quart bottle in the case of whisky and other spirits including liquors :

(*b*) three quart bottles in the case of wine and vermouth; and

(*c*) twelve quart bottles in the case of beer and cider.

Prohibition was introduced at midnight on September 31, and the preparations for the great reform were as elaborate as they were perfect. On September 13 detailed notice was given to the district of the inauguration of the reform on October 1 and the people were told of the procedure to be adopted.

The following Press *communique* issued on September 13 on the subject sets forth all the arrangements ordered:

HOW PROHIBITION WAS USHERED

The Government have directed the introduction of prohibition in the Salem district as from 1st October 1937.

The principal aim of the Government is to stamp out the sale and public consumption of alcoholic liquors but consumption of liquor in homes will, subject to the exception as regards bottled foreign liquor indicated in para 7 below, be just as punishable as sale and public consumption. A special law will be enacted for the purposes and this will include provisions prohibiting not only sale and public consumption, but also home consumption. Transactions such as selling, distillation, transport, etc., will be rigorously dealt with as also illicit practices when brought to light. In order to put an indirect check to illicit practices, the number of trees to be marked for the tapping of toddy in the districts adjoining Salem within a distance of 10 miles

from the Salem district border, will be restricted to the average of the number marked during the last five years and the supply of arrack to the belt shops within the same limits in those districts will be restricted to the average of the supply made during the last five years. Sales of bottled liquors in these belt shops will be prohibited.

2. Prohibition in the Salem district will be enforced by the ordinary Police, who will have the assistance of special Prohibition Committees to be formed for the detection and suppression of crime connected therewith. These Prohibition Committees will receive official recognition, and their main work, apart from propaganda, will be to convey information to the Police in regard to illicit practices and to assist them generally in the enforcement of prohibition. The Committees will be entitled to lodge complaints, but will not have any Police or Magisterial powers. An expert officer of the grade of an Assistant Commissioner of Excise, who will be designated "Prohibition Officer," will be deputed to Salem. The Prohibition Officer will exercise the same powers as are exercised by him as an Excise Officer at present. He will work in collaboration with the District Superintendent of Police and will also be under the general orders of the Collector and District Magistrate of the District and the Board of Revenue (Separate Revenue). The existing Excise staff of the Salem district will be transferred out of the district.

3. Marking of trees in the Salem district for the tapping of fermented toddy for shops in the neighbouring districts will be discontinued.

* * *

Foreign Liquor

7. All foreign liquor licences, including refreshment room licences will, subject to what is stated in Paragraph 8 below, be revoked with effect from 1st October 1937. A system of special personal permits for those who apply will, however, be allowed for domestic consumption of bottled foreign liquor only. The permits will be given only to a limited number of persons. The permit-holders should strictly observe the conditions laid down in the permits. Any breach of the conditions will entail cancellation of the permits. An annual fee of Rs. 10 will be charged for each permit. The permits are intended to cover only the individual consumption of the permit-holder who should preserve all liquor bills for check.

Sale of Brandy by Chemists and sale of Medicated Wine

8. Licences for the sale of brandy by chemists will continue, but medicated wines will be allowed to be sold only by those chemists who have licences to sell brandy on prescription.

Clubs

9. Permits will be granted in special cases to any existing clubs and liquor may be issued in such clubs to members who are permit-holders and not to any one else.

Transport

10. Transport of liquor from one district to another through Salem in motor buses, etc., is prohibited. A special watch will be kept over motor buses plying between towns in the Salem district and towns

beyond the Salem District. Effective steps will be taken to prevent buses from carrying people from Salem District to toddy or arrack shops outside the district. The bus licences will be cancelled on proof of any misconduct in this respect.

RULES AND NOTIFICATIONS

On 19th October 1937, the Madras Government published notifications specifying the officers authorised to order the confiscation of articles liable to such confiscation, the exemptions under the Prohibition Act, etc.

Exemption of medicinal preparations, culinary essences, etc., and perfumes and toilet preparations

In exercise of the powers conferred by Section 16 of the Madras Prohibition Act, 1937, the Provincial Government are hereby pleased to

(A) exempt medicinal preparations, culinary, ærated water and other flavouring essences, extracts and colourings and perfumes and toilet preparations, containing spirit, from all the provisions of the said Act, subject to the following conditions, namely,

1. that no methylated spirit shall be used in the manufacture of medicinal preparations intended for internal use, and

2. that duty on the spirit contained in such preparations shall, whether the preparations are manufactured within the area in which the Act is in force or are manufactured elsewhere in India, outside the province of Madras and imported into such area, be paid at the rates specified below, namely,

(*a*) in respect of medicinal preparations specified in items 1 to 87 in the annexure at Rs. 17-8 per proof gallon ;

(*b*) in respect of medicinal preparations specified in items 88 to 90 in the annexure at Rs. 21-14 per proof gallon ;

(c) in respect of all other medicinal preparations (not specified in the annexure) at Rs. 10 per proof galion, and

(d) in respect of culinary, ærated water and other flavouring essences, extracts and colourings and in respect of perfumes and toilet preparations at Rs. 17-8 per proof gallon, and

(B) to provide that a breach of any of the conditions aforesaid shall be punished with imprisonment which may extend to six months or with fine which may extend to Rs. 1,000 or with both.

ANNEXURE

1	Aqua Anethi Conc.	1 to 40.
2	,, Anisi ,,	,,
3	,, Carui ,,	,,
4	,, Caryoph ,,	,,
5	,, Cinnam ,,	,,
6	,, Floraurant Conc.	,,
7	,, Fœniculi ,,	,,
8	,, Juniperi ,,	,,
9	,, Mellis ,,	,,
10	,, Menthæ pip Conc.	,,
11	,, Menthæ Virid Conc.	,,
12	,, Rosæ Conc.	,,
13	Elixir Aurantii.	
14	,, Simplex (as Syr. Aromat 1898).	
15	Essent Amigalæ.	
16	,, Anethi.	
17	,, Anisi.	
18	,, Menth. pip.	
19	,, Zingib fort.	
20	Extractum Aurantii Fluidum.	
21	,, Capsici ,,	
22	,, Rosæ ,,	
23	,, Zingiberis ,,	
24	Infus Aurantii Conc. I to VII.	
25	,, Conc. ,,	

26 Infus Aurantii Caryophylli Conc. I to VII
27 Liquor Aurantii pro syr.
28 ,, Cocci.
29 ,, Limonis pro syr.
30 Spirit Anethi.
31 ,, Anisi.
32 ,, Cinnamoni.
33 ,, Juniperi.
34 ,, Lavand.
35 ,, Mentæ pip,
36 ,, Myristicæ.
37 Syrupus Aurantii.
38 ,, Limonis.
39 ,, Rosæ.
40 ,, Zingiberis.
41 Succus Mori.
42 Tinct. Aurantii.
43 ,, ,, Siccat (1885).
44 ,, Capsici.
45 ,, ,, Fort B.P.C.
46 ,, ,, Simplex.
47 ,, Carminativa B.P.C.
48 ,, Caryophilli B.P.
49 ,, Carui.
50 ,, Cinnamoni.
51 ,, ,, Comp.
52 ,, Coriandri.
53 ,, Cumini Alb.
54 ,, ,, Nig.
55 ,, Lavand. Comp.
56 ,, Limonis.
57 ,, ,, Siccat (1885).
58 ,, Myristicæ.
59 ,, Vanillæ.
60 ,, Zingiberis.
61 ,, ,, Fort B.P.C.
62 Vinum Aurantii.
63 Essence Cardamomi.
64 ,, Lavendulæ.

65 Essence Moschi.
66 ,, Rosemarini.
67 ,, Santal Flav.
68 ,, Cinnamomi.
69 ,, Caryophylli.
70 ,, Myristicæ.
71 Syrup Anisi.
72 ,, Amygdalæ.
73 ,, Cinnamom.
74 ,, Manna.
75 ,, ,, Co.
76 ,, Mori.
77 ,, Pini Sylvestris.
78 ,, Rhamni.
79 ,, Rheii.
80 ,, ,, Aromaticus.
81 ,, ,, Co.
82 ,, Rhœdos.
83 ,, Rubi Aromaticus.
84 ,, Senæ ,,
85 ,, Zinger (1886).
86 Vinum Zerinem.
87 ,, Quinine.
88 Mritasanjibani.
89 ,, Sudha.
90 ,, Sura.

The Madras Denatured Spirit Rules, 1937.

In exercise of the powers conferred by Sections 16, 18, 21 and 54 of the Madras Prohibition Act, 1937 (Madras Act X of 1937), the Provincial Government are hereby pleased to make the following rules :—

1. These rules shall be called the Madras Denatured Spirit Rules, 1937.

2. (1) In these rules—

(a) "*denatured spirit*" means spirit subjected to the following process for the purpose of rendering it unfit for human consumption, namely, the admixture with spirit of at least

50 degrees over-proof, of light caoutchoucine and pyridine bases in the proportion of half a gallon of light caoutchoucine and half a gallon of pyridine bases to 99 gallons of spirit.

Explanation.—The light caoutchoucine and the pyridine bases must satisfy the laboratory tests described; and

(*b*) "*methylated spirit*" means denatured spirit rendered effectually unfit for human consumption by the admixture of crude wood naptha otherwise than in a highly purified condition, in the proportion of one part of crude naptha to nine parts of spirit.

Explanation.—The wood naptha must satisfy the specification described.

(2) Spirit shall not be denatured by any process other than those specified in sub-Rule (1) except with the sanction of the Provincial Government.

3. *Possession, Import and Transport.*—(1) Any person or institution may without a licence possess, import into or transport within any local area to which the Act applies, denatured spirit up to a maximum of one imperial gallon or methylated spirit up to a maximum of one reputed quart, for any of the purposes specified in Section 16 of the Act.

(2) No person or institution may possess, import into or transport within any local area to which the Act applies denatured spirit in excess of one imperial gallon or methylated spirit in excess of one reputed quart, except under and in accordance with the terms and conditions of a licence issued by the Collector in Form D-I.

Provided that it shall not be necessary for officers of the Government to obtain licences for possession and use for Government purposes of any quantity of denatured or methylated spirit.

(3) No licence shall be issued under sub-Rule (2) except for a purpose specified in Section 18 of the Act.

4. *Wholesale depot.*—Wholesale depot licences may be issued by the Collector in his discretion in Form D-II and subject to the conditions mentioned therein to any person or

institution for the import, transport, possession and wholesale sale of denatured or methylated spirit for any of the purposes specified in Section 18 of the Act.

5. *Retail sale.*—Licences may be issued by the Collector in his discretion in Form D-III and subject to the conditions mentioned therein, to any person for the import, transport, possession and retail sale of denatured or methylated spirit for any of the purposes specified in Section 18 of the Act.

6. *Railway Companies.*—Licences may be issued by the Collector in his discretion in Form D-IV and subject to the conditions mentioned therein to railway companies for the import, storage and use of denatured or methylated spirit for any of the purposes specified in Section 18 of the Act.

General Conditions.

7. The following general conditions shall apply to all licences issued under Rule 4 or Rule 5 of these rules, namely.—

(i) The licence must be hung up in a conspicuous place in the depot or shop.

(ii) No depot or shop shall be kept open between the hours of 9 P.M. and 6 A.M.

(iii) Denatured spirit kept for sale shall be of good quality and unadulterated. The sale of denatured spirit whose hydrometer or apparent strength is below 50° O. P. is prohibited. Should any inspecting officer be of opinion that any spirit found by him on inspection is insufficiently denatured, he shall report the matter to the Collector and may at the time of inspection remove the spirit in question or cause the receptacle to be sealed and submit a sample to the Board's Laboratory for analysis and report. If the alaysis shows that it is insufficiently denatured the spirit shall be at once treated afresh or, failing this, destroyed.

Note.—The rendering or attempting to render such spirit fit for human consumption is punishable under Section 5 of the Madras Prohibition Act, 1937.

(iv) True accounts of transactions shall be maintained from day to day in ink in Form D-V by the holders of licences

other than those in Form D-II. Holders of licences in Form D-II shall maintain accounts in the Form appended to their licences. The accounts shall be in printed books. Accounts, invoices and licences relating to import or transport shall be preserved for one year after the period covered by the licence and shall be produced when called for by a Prohibition officer or a Police Officer not below the rank of Sub-Inspector.

(v) In calculating the fee, if any, leviable on licences issued under these rules, no allowance will be made for loss of spirit due to any cause whatsoever.

(vi) No privilege of storage or sale shall be sold, transferred or sub-rented without the Collector's previous permission. Nor, if the Collector so orders, shall any agent be appointed for the management of any such privilege without his previous approval.

(vii) Any licence may be revoked by the Collector on giving the licensee fifteen days' notice of such revocation.

(viii) The premises for which the licence is granted shall be open to inspection by the Collector, a Prohibition Officer or a Police Officer not below the rank of Sub-Inspector. The Collector shall be furnished with such information regarding the quantity of spirit used as may be required by him.

(ix) Every bottle, jar and cask containing $\frac{\text{denatured}}{\text{methylated}}$ spirit received into or kept for storage or sale shall be conspicuously labelled or branded with the words "made and $\frac{\text{denatured}}{\text{methylated}}$ in India" or "made in........................ and $\frac{\text{denatured}}{\text{methylated}}$ in India" or "...................... made and $\frac{\text{denatured}}{\text{methylated}}$ in ...." as the case may be.

(x) Licensees shall be bound by any additional rules that may be prescribed by the Provincial Government from time to time.

OFFICIAL LABORATORY TESTS TO ASCERTAIN THE SUITABILITY OF SAMPLES OF LIGHT CAOUTCHOUCINE AND PYRIDINE BASES FOR DENATURING SPIRIT.

I. Specification of Light Caoutchoucine.

1. *Nature.*—By "Caoutchoucine" is meant the liquid obtained by the dry distillation of vulcanized rubber. By "light caoutchoucine" is meant the liquid obtained by redistilling "caoutchoucine" and collecting that portion which passes over at or below about 200° C.

2. *The specific gravity of light caoutchoucine.*—The specific gravity of light caoutchoucine at 60°F. should lie between 0·835 and 0·860, taking the specific gravity of water to be 1·000.

3. *Boiling test.*—For the purpose of this test, 100 c.c. of light caoutchoucine should be redistilled in the pyridine testing flask (*see* specification for pyridine bases). Under those conditions not more than 15 c.c. of distillate should pass over at or below 100° C., whilst a total (including the foregoing) of at least 70 c.c. should pass over at or below 200° C.

4. *Absence of soluble constituents.* When 25 c.c. of light caoutchoucine are shaken with an equal volume of water in a stoppered graduated cylinder and due time is allowed for the liquids to separate again into two layers the light caoutchoucine should show no appreciable diminution in volume.

5. *Neutrality.*—The aqueous layer obtained from test (4) should show no marked acidity or alkalinity when tested with both red and blue litmus papers.

II—Specification of Pyridine bases

1. *Colour.*—The colour must not ordinarily be darker than that given by 2 c.c. of deci-normal iodine solution dissolved in one litre of distilled water.

2. *Mixibility with water.*—The pyridine bases should mix readily and completely with spirit and should give a clear or only slightly opalescent solution when mixed with twice their volume of water.

3. *Amount of water present.*—From 20 c.c. of the pyridine bases mixed with 20 c.c. of causic soda solution [(density (1·4)] at least 18·5 c.c. of the bases should separate after having been repeatedly shaken together and allowed to stand.

4. *Titration.*—Dissolve 1 c.c. of the pyridine bases in 9·5 c.c. of distilled water. Titrate with normal sulphuric acid until a drop of the mixture gives a definite blue spot on congo-red paper (the blue colour should at once disappear). At least 9·5 c.c. of the normal sulphuric acid should be required to produce this reaction. (To prepare the congo-red paper, dissolve one gram of congo-red in one litre of distilled water. Soak filter paper in this and then dry.)

5. *Cadmium chloride reaction.*—Vigorously shake together 10 c.c. of a solution of 1 c.c. of pyridine bases in 100 c.c. of distilled water with 5 c.c. of a five per cent solution of dry fused cadmium chloride. A distinct crystalline precipitate should immediately result, and there should be an abundant separation of crystals wihtin ten minutes.

(*a*) Another 10 c.c. of the above 1 per cent aqueous solution should give a white precipitate when mixed with 5 c.c. of Nessler's reagent.

6. *Boiling point.*—Distil 100 c.c. of the pyridine bases in the manner described below. At least 50 c.c. should distil over, at or under 140° C. and a total of 90 c.c. at or under 160° C.

Method.—One hundred cubic centimeters of pyridine bases are placed in a short-necked copper flask of about 200 c.c. capacity. The flask is arranged on an asbestos card which has a circular hole of 30 m.m. diameter cut in it. To the flask is attached a fractionating column (consisting of a tube 13 m.m. wide and 170 m.m. long, provided with one bulb) of which the side tube (issuing 1 c.m. above the bulb) joins a Liebig's condenser of which the cooled part is at least 403 m.m. long. A standard thermometer is placed in the head of the column so that its bulb occupies the centre of the bulb of the column.

The speed of distillation is adjusted to 5 c.c. per mintue, the distillate being received in a graduated glass cylinder. At least 50 c.c. should distil over at or under 140° C. and 96 c.c. at or under 160° C. at a barometric pressure of 760 m.m.

If the barometer varies from 760 m.m. a correction of 1° C. for each 30 m.m. of variation should be applied (*e.g.*, under **770 m.m.** of pressure 50 c.c. of ditillate should come over at or under 140·3° C. whilst under 750 m.m. the same amount of distillate should come over at 139·7° C.).

NOTE.—Pyridine proper is a single definite compound (C. 5 H. 5 N) boiling at about 116° C. 'Pyridine bases' are mixtures of pyridine with closely applied compounds boiling at various temperatures. They are cheaper and more effective denaturants than the pure pyridine.

III.—Specification for Woodnaptha

(*a*) Not more than 30 c.c. of the woodnaptha should be required to decolourise 0·5 grams of bromine ;

(*b*) it should be neutral or slightly alkaline to litmus 25 c.c. of woodnaptha should require at least 5 c.c, of N/10 acid using alcohol orange as indicator ;

(*c*) it must contain at least 72 per cent by volume of methyl alcohol (methanol) in order to estimate the amount of methanol the fractional distillation test (Government Laboratory, London) will be taken as standard ;

(*d*) in 100 c.c. of woodnaptha there should not be less than 5 grams of substances present (calculated as acetone) as measured by Messanger's test ; and

(*e*) there should be not less than 1·5 grams of esters present calculated as methyl acetate.

NOTE.—The fractional distillation test is preferred to the methyl iodide test because difficulties are associated with carrying out the methyl lodide test as a regular practice in laboratories in India on account of the high temperature frequently prevailing.

The Madras Rectified Spirit Rules, 1937

In exercise of the powers conferred by Sections 16, 18, 21 and 54 of the Madras Prohibition Act, 1937 (Act X of 1937), the Provincial Government hereby make the following rules :—

1. These rules shall be called the Madras Rectified Spirit Rules, 1937.

2. In these rules, the expression "rectified spirit" includes "absolute alcohol."

3. *Import.*—(1) No rectified spirit shall be imported into any local area to which the Act applies from any other local area in the Province of Madras to which the Act has not been extended, except under a licence issued by the Collector.

(2) No rectified spirit shall be imported into any local area to which the Act applies from any area outside the Province of Madras otherwise than across a customs frontier as defined by the Central Government except with the previous sanction of the Board of Revenue, Separate Revenue.

4. *Export.*—No rectified spirit shall be exported from any local area to which the Act applies to any other local area in the Province of Madras to which the Act has not been extended, except with the previous sanction of the Board of Revenue, Separate Revenue.

5. *Possession.*—The following persons and institutions may, without licence, possess at any one time rectified spirit up to the maximum quantity specified against each for the purposes specified in Section 16 of the Act:—

(i) Any Government, Local Board or Municipal hospital—Three imperial gallons.

(ii) Any chemist, medical practitioner or scientific body—Two reputed quarts.

(iii) Any other person or institution—One reputed pint.

6. No person or institution may possess or transport rectified spirit in excess of the quantity which he or it is permitted to possess under Rule 5, except under a licence granted by the Collector.

7. The Collector may issue a licence for the sale or use of rectified spirit for any of the purposes specified in Section 18 of the Act 8 (in the form appended to these rules and subject to the conditions mentioned therein.)

Authorities competent to issue, and form of, licences and permits

In exercise of the powers conferred by Sections 18, 20 and 21 of the Madras Prohibition Act, 1937 (Act X of 1937), the Provincial Government are hereby pleased to direct that licences and permits for the purposes specified in Columns (1) and (2) of the table below shall be granted in the Form prescribed in the corresponding entries in Column (3) thereof and subject to the conditions specified in such Form, by the authority specified in the corresponding entry in Column (4) of the table.

TABLE

Section of the Act.	Description of licence or permit.	Form number.	Authority.
(1)	(2)	(3)	(4)
18	Licence for import or transport.	I	Collector of the district except in cases where the Board of Revenue (Separate Revenue), is required to issue the licence by any rule or notification under the Act.
Do.	Licence for the sale of brandy and medicated wines by chemists.	II	Collector of the district.
20 (*a*)	Permit to consume and possess for personal consumption bottled foreign liquor.	III	Board of Revenue (Separate Revenue), subject to the control of the Government.
Do.	Permit to consume and possess for personal consumption ganja or bhang.	IV	Tahsildar or Deputy Tahsildar in independent charge.

20 (*b*)	Permit to possess and use bottled wine for a religious purpose.	V VI	Board of Revenue and (Separate Revenue).
20 (*c*)	Licence for the possession of bottled foreign liquor by non-proprietary clubs for supply to members.	VII	Board of Revenue (Separate Revenue).

The Madras Sweet Toddy Rules, 1937

In exercise of the powers confered by Sections 19, 20, 21 and 54 of the Madras Prohibition Act, 1937 (Madras Act X of 1937), the Provincial Government are hereby pleased to make the following rules for the tapping of toddy-yielding trees for the drawing of sweet toddy therefrom in pots or other receptacles freshly coated internally with lime, for the manufacture of jaggery from such toddy or for the sale or use of such toddy, as a beverage without fermentation :—

1. These rules shall be called the Madras Sweet Toddy Rules, 1937.

2. Licences may be issued under these rules for the manufacture, consumption and sale of sweet toddy. They shall on application be issued free to *bona fide* manufacturers of jaggery, to those engaged in the sale of padani or sweet toddy and to tree-owners desirous of drawing sweet toddy for domestic consumption. Licences shall be issued in the names of applicants only.

3. Applications for the grant of licences shall be in the form appended to these rules. They need not be stamped. They should be presented to the Tahsildar, Deputy Tahsildar in independent charge, or Revenue Inspector.

4. On receipt of an application, the Tahsildar, Deputy Tahsildar or Revenue Inspector as the case may be, if, satisfied after considering the recommendation of the village headman that the applicant will not misuse the licence, shall at once take steps for the issue of the licence in the form appended to these rules.

5. Licences shall be current from 1st January or any subsequent date to the 30th June following, but may be renewed

for a further period of six months under an endorsement from the Tahsildar, Deputy Tahsildar in independent charge or Revenue Inspector;

Provided that lieences granted before the 1st January 1938, shall expire on $\frac{\text{that date}}{\text{the 30th June 1938}}$ subject to renewal for a further period of six months as aforesaid.

6. For the convenience of applicants, applications will be received and licences issued during the fifteen days preceding the sweet toddy year, provided that no sweet toddy shall be drawn except during the currency of such licence. The licensee shall not tap any tree in excess of the number which he has applied for or is licensed to tap, nor shall he be allowed to tap for feemented toddy.

7. Sweet toddy, if for jaggery manufacture, shall be removed from the tree only between 4 a. m. and 7 p. m. and if for use or sale as a beverage only between sunrise and sunset. Outside those periods no sweet toddy drawn for use or sale as a beverage shall be kept in the garden or field containing the trees lieensed to be tapped except the freshly-drawn toddy contained in the pots attached to the spathes of the trees.

8. Sweet toddy must be at once manufactured into jaggery or sold for or used as a beverage, and no such toddy shall be kept by the tapper until the day following that on which it is drawn. Any person may buy, consume or possess for personal consumption sweet toddy in an unfermented state.

Power of Officers to Stop Conveyances.

In exercise of the powers conferred by sub-Section (1) of Section 54 of the Madras Prohibition Act, 1937 (Madras Act X of 1937), the Provincial Government are hereby pleased to make the following rule for the purpose of carrying out the provisions of Section 32 of the said Act, namely :—

The person in charge of any vessel, vehicle or animal shall cause it to stop and to remain stationary so long as may reasonably be necessary, when required to do so by any Prohibition Officer, any Officer of the Police or Land Revenue Department,

or any other person duly authorized in that behalf, for the purpose of enabling such Officer or person to make any arrest, seizure or search under Section 32 of the Act.

Appeal and Revision.

In exercise of the powers conferred by Clause (*i*) of sub-Section (2) of Section 54 of the Madras Prohibition Act, 1937 (Madras Act X of 1937), the Provincial Government are hereby pleased to make the following rules to regulate appeals against and revision of orders passed under the said Act or under any rule made thereunder :—

1. *Appeal to the District Collector.*—An appeal shall lie to the District Collector from any order of any officer of the Revenue Department subordinate to him, discharging functions under the Act, under any rule or order made under the Act or under the conditions of a licence issued under the Act. An appeal shall also lie to the District Collector from an order of an Officer of any other department, who has been expressly made subject to the control of the District Collector, in respect of any function discharged by that Officer under the Act or who is discharging any function under the Act delegated to him by the District Collector.

2. *Appeal to the Board of Revenue, Separate Revenue.*—An appeal shall lie to the Board of Revenue, Separate Revenue, from any original order passed by the District Collector (but not from any original order passed by an Officer, discharging the functions of the Collector) and from any order passed by the District Collector on appeal.

3. *Appeal to the Provincial Government.*—An appeal shall lie to the Provincial Government from any order passed by the Board of Revenue, Separate Revenue, whether on appeal or otherwise :

Provided that where it is specially provided by rule that the decision of the Commissioner shall be final or where a second appeal has been disposed of by the Commissioner, no further appeal shall lie.

4. *Limitaiion.*—Save as otherwise provided in any other rule made under the Act, every memorandum of appeal shall be presented—

(i) in the case of an appeal to the District Collector, within one month from the date of receipt of the order appealed against; and

(ii) in the case of an appeal to the Board of Revenue, Separate Revenue, or to the Provincial Government, within two months from the date of receipt of the order appealed against.

Explanation.—In computing the period of limitation, the time requisite for obtaining copies of the necessary documents shall be excluded.

5. *Revision.*—The authorities in whom appellate powers are vested by these rules may also exercise those powers by way of revision, whenever they consider it necessary to do so.

FOUR MONTHS OF PROHIBITION

On February 28th the Ministry of Public Information published the following account of the progress made in the scheme of Prohibition in the Salem District up to 31st January 1938. The account was taken from the latest report of the Collector of the district.

The Collector said :—

The most important change during the month was the large increase in the number of palmyra trees being tapped for sweet toddy, 6,218 licenses having been issued for tapping sweet toddy covering as many as 2,91,873 trees. Of these probably not more than 1-3 are being tapped though more will be as the season advances. Thus even now about a lakh of trees are being tapped against au estimate by the Excise Department of 55,613 tapped for sweet toddy in 1936-37. I anticipated in my report for November that the position would become more difficult during the palmyra tapping

season and these months may be said to be a critical time for Prohibition. Licenses are still being issued and it is probable that at the height of the season the number of trees being tapped may equal the pre-Prohibition figures for fermented and sweet juice combined, an estimated total of 1,77,543 trees.

Due preparations have been made to deal with the problem of preventing sweet juice tappers from tapping fermented toddy and arrangements will be made to check the practice of inducing fermentation later on. While in the old days the presence of fermented toddy aroused no comment it is now a sure sign that mischief is afoot. That vigilance is exercised everywhere already I cannot state, but I hope that as time goes on it will spread, so that the greater part of the sweet toddy-tapping area is covered. With such a large number of trees being tapped however and the powerful incentive to ferment the juice extracted, it will be necessary for all officials and non-officials alike, to exercise the utmost vigilance. Various devices may be resorted to by tappers to induce fermentation. A circular drafted by the Prohibition Officer on this question has been issued and I hope that the practice will be checked.

The second serious problem with which we are confronted is that of drugs. The situation in regard to ganja is not satisfactory. The sale of ganja has now been entirely prohibited and thus the ganja problem becomes one of more importance from the prohibition point of view. The immediate effect of the prohibition of ganja will probably be an increase in smuggling. Special steps are being taken to check this. The

capture of three consignments consisting of $56\frac{1}{2}$ seers of opium and 7 seers of ganja at Erode by the Excise Intelligence Bureau was a smart piece of work. Reports have been received from a good many sources of the danger of persons foisting ganja on their enemies. There have been only a few cases.

Illicit Distillation

The position in regard to illicit distillation appears to be satisfactory. An apprehension has been expressed that adequate attention has not been paid to this form of crime in Rasipur circle, as cases of possession only were detected, though this was formerly a notorious centre for illicit distillation. The District Superintendent of Police points out that the actual distillers were caught in these cases, though for various reasons sufficient evidence was forthcoming to charge them only with possession and not distillation. Illicit distillation is being kept under control and appears to be going on only on a small scale and in a very secretive manner. The number of persons visiting shops outside the district appears to have decreased slightly.

I have now met the Taluk Prohibition Committee members and given them instructions in all the taluks but two Village committees have been formed in almost all the villages in the district. The latter have not yet had time to influence the situation to any marked extent but I expect to obtain considerable help from them from now onwards.

Rumours of methylated spirit drinking have come from Krishnagiri, Salem and Rasipur. There was a marked increase in sales of methylated spirit in

Krishnagiri. There was no proof of such consumption and there were no cases of persons being treated for after-effects. Sales have now dropped more or less to normal. In Salem though the sales do not give any cause for alarm there is some evidence that certain weavers of Gogal, who were formerly heavy drinkers have taken to drinking methylated spirit. Sales in Rasipur are more or less normal. In both places the situation is being carefully watched and investigation is being made into any reports received.

Taluk Prohibition Committees

This month I have for the first time received a batch of reports from members of the recently appointed Taluk Prohibition Committees. 77 reports have been received so far from the 199 members appointed. It has been found that Taluk Prohibition Committee members, while ready to do propaganda work, to make enquiries and report on the effects of prohibition on the lives of people, are naturally rather reluctant to give information regarding offences to the police. I have specially emphassed the necessity for their doing this in my meetings with the committee members.

Gambling appears to have increased since prohibition was introduced. This is apparently an attempt made by former drinkers to relieve the boredom of the evening hours and shows the necessity for providing entertainments for drinkers in the villages in the evenings. Most of the Prohibition Committee members who sent reports were busy forming and advising village committees.

To sum up, a good start has been made in dealing with special problems of the tapping season. Facilities

for breaking the law have increased, but the preventive staff has been considerabiy strengthened by the formation of Taluk and Village Committees and by the measure taken to ensure the co-operation of village officers. The unit is now definitely the village and more and more reliance will have to be placed on the co-operation of non-officials.

As to the future, I have to repeat what I have said before. It is too early yet to say whether the Act will become permanently effective in the district, but as months succeed months without general signs of a deterioration in the situation, the chances of ultimate success become rosier. Very much depends upon the degree of co-operation received from, and I might add, given to the numerous non-officials organised to assist the official effort.

Effect of Prohibition

Coming to the effect of prohibition on the lives of the people, I have received a large mass of information from various sources including Revenue Divisional Officers, Tahsildars, Inspectors of Police, Deputy Registrar of Co-operative Societies, District Educational Officer, District Forest Officers and Taluk Prohibition Committee members. All information received goes to show the beneficial effect of the Act on the home life of ex-drinkers. Domestic quarrels of the violent sort have practically ceased and the condition of the women and children has markedly improved. Women are enthusiastic supporters of Prohibition and if only they had more say in the village affairs, our task would be much easier. Almost all those who reported agree that the health and appetite of moderate ex-drinkers

have improved. As regards heavy drinkers, reports vary. Some of the old tappers, who are already in poor state of health, have suffered. Others are finding it difficult to adjust themselves to the new conditions and complain that they are unable to do as much work as they did formerly. There are, however, a good many cases reported of heavy drinkers who have lost their old craving and whose health and general condition have greatly improved. In some cases drinkers report that they are not able to earn so much as in pre-Prohibition days. This is, I think, due generally to reluctance to work as hard as formerly, as there is not the same incentive to make money. In some cases it is said that employers are paying less wages on the ground that coolies now require less money for their maintenance.

Economic Condition of the People

That there has been an improvement is undoubted, though the hope that the poorer classes generally would acquire the thrift habit has not so far been realised. Improvement in the standard of life is most marked in regard to the quantity of food consumed. Ex-drinkers and their families now get generally a good evening meal, whereas formerly they often went without it. Unfortunately though a fair number of cases of reduction in debts are reported, there are only a few cases reported where money has been saved, and the forming of the thrift habit among ex-drinkers is an uphill task. The Special Development Officer, who has just joined, will pay special attention to this question. So far something has been done through co-operative societies. 104 hundi boxes have been distributed in

Salem town. 10 savings bank accounts have been opened for chucklers in Namakkal. 13 societies have been selected in the Hosur area for promoting thrift through hundi boxes. The Dharmapuri Co-operative Union are purchasing 200 hundi boxes for distribution to its affiliated societies. Two thrift and better living societies have been formed in the suburbs of Salem. At least as much as formerly and probably more is now being spent on the necessities of life, and it is being met from current earnings.

Condition of Toddy Tappers

A large percentage of former fermented toddy tappers have taken to sweet juice tapping and the Special Development Officer is concentrating on inducing as many as possible to join the Co-operative Societies for sweet toddy tappers. So far 10 societies have been registered and 9 of them have started work. These societies, besides providing members with a reasonable prospect of a sufficient livelihood, act as a check upon the tendency to tap fermented juice. It is probable that by the end of this month about 75 per cent. of the old tappers will be engaged in sweet toddy tapping. Of the remaining 25 per cent. some have left the district, others possess lands and others are doing cooly work. The position of the tappers does not give cause for anxiety at present.

Viewing generally the effect of Prohibition on the lives of the people, I am convinced, after 3 months' experience, that Prohibition is proving a great boon to the poorer classes in this district. Leading as they do a hand-to-mouth existence, they simply cannot afford the expensive luxury of drink which used to reduce the

small earnings of the labouring classes to a miserable pittance, quite insufficient for the proper maintenance of a family. Drink brought misery into the homes of many thousands of the poorer classes in this district, misery in the shape of domestic unhappiness, insufficiency of food and crushing debt. Already in thousands of homes in this district conditions have changed to a remarkable extent. Domestic brawls have ceased, a sufficiency of food is available, and the grip of the money-lender has relaxed. This has happened within the short space of four months. If the Act continues to be enforced not less effectively than it is now, I anticipate a great and permanent improvement in the material well-being of the peasants and labourers of this district.

EXTENSION OF PROHIBITION

In his budget statement on 1st March 1938, the Hon. Mr. C. Rajagopalachariar referred to the working of Prohibition in Salem and announced Government's decision to extend the reform to two other districts. He said:

The Prohibition Act has been in force in Salem District since 1st October, 1937. The enforcement is in the hands of the Police who, with but slightly increased strength, have been working with most commendable energy and zeal under the District Superintendent of Police and the District Magistrate. A Prohibition Officer and a Special Development Officer are also assisting the Collector. The excise staff formerly employed in the district has been abolished. I can say confidently that the working of the Act in Salem has so far been very satisfactory.

There can be no doubt that it has effectively stopped the consumption of liquor in the district. The success so far attained has been largely due to the support of the general public and to the existence of a strong popular opinion in favour of it.

It may be admitted that all persons who used to take liquor have not willingly surrendered the habit, and that there are still a considerable number of persons who would, if permitted, resort to illicit courses either for the sake of indulgence or for making illegal profit.

But they are effectively deterred from breaking the law not only by the preventive measures of the local authorities but by fear of the social obloquy which they will incur. There have been, as was perhaps inevitable, a certain number of cases of smuggling of liquor and drugs from adjacent non-prohibition areas and also a few cases of illicit manufacture of toddy and arrack in the district.

This was only to be expected; but it is anticipated that, as the Police acquire experience in the detection of this sort of crime which was hitherto outside their province and as popular opinion is more effectively organized in the villages and in Taluq and District Committees for promoting preventive and ameliorative measures, the number of offences against the Act will be materially reduced.

It is calculated that the net cost of Prohibition for the last six months of the financial year 1937-38 will amount to Rs. 13,19,000, made up of Rs. 13 lakhs loss of excise revenue and Rs. 51,000 cost of additional police and special officers, offset by a saving of Rs. 32,000

on the excise staff previously employed in the District. The cost for the year 1938-39 is estimated at Rs. 26,22,000.

All observers agree that Prohibition is welcomed by the mass of the people, specially the women, and that the families of the labouring classes in particular have benefited considerably by the diversion of the money which used to be spent on liquor to the provision of more and better food.

There is not, so far, concrete and reliable evidence to show that the drinking classes have saved money as a result of Prohibition, but it is generally stated that more money is expended than formerly on food and clothing, and on amusements. I may be permitted to quote from the latest report of the Collector, Mr. A. F. W. Dixon, a passage wherein he summarises the position as he has observed it on the spot:

"Viewing generally the effect of Prohibition on the lives of the people, I am convinced, after three months' experience, that Prohibition is proving a great boon to the poorer classes in this district. Leading as they do a hand-to-mouth existence, earning at the best barely enough to maintain the minimum standard of life necessary for health and strength, they simply cannot afford the expensive luxury of drink which used to reduce the small earnings of the labouring classes to a miserable pittance, quite insufficient for the proper maintenanee of a family. Drink brought misery into the homes of many thousands of the poor classes in this district, misery in the shape of domestic unhappiness, insufficiency of food and crushing debt. Already in thousands of homes in this district conditions have

changed to a remarkable extent. Domestic brawls have ceased, a sufficiency of food is available, and the grip of the money-lender has relaxed. This has happened within the short space of four months. If this Act continues to be enforced no less effectively than it is now, I anticipate a great and permanent improvement in the material well-being of the peasants and labourers of this district."

The Special Development Officer has been appointed to organise activities and interests for the leisure of the drinking classes and to institute and foster thrift societies. Measures are also being taken to organise alternative employment for those whose means of livelihood depended on the production and sale of liquor.

Extension of Scheme

There is no doubt that prohibition has had an excellent start in Salem. The main problem now is to maintain and develop the forces of public opinion on the side of prohibition. This calls for the co-operation of all officials and non-officials in the district. Government have stressed the responsibility of their officers in the matter and have every reason to believe that the support of the general public will continue to assist and make even more effective the working of the Act.

Coming to the question of extension of the prohibition area, it is desirable that the new area should not be too widely separated from the present dry area, since the object of a later stage as soon as that becomes possible should be to link them both up into one large compact area with a minimum of external boundary across which smuggling might take place.

Acting on these lines, the Government have decided to introduce prohibition into the two districts of Chittoor and Cuddapah as from 1st October, 1938, the detailed arrangements being generally similar to those adopted in the case of Salem District.

The additional loss of revenue on this account may be put at about Rs. 8 lakhs in 1938-39 and at Rs. 16 lakhs in future years.

AN IMPARTIAL JUDGMENT

The Salem Collector's report describes the benefits of prohibition, but certain critics including members of the Opposition in the Legislature, have expressed the suspicion that the report is coloured and exaggerated. This suspicion is not justified for even public workers who have made a survey of the working of prohibition without any bias have paid a tribute to the benefits of prohibition.

Dr. P. Varadarajulu Naidu, a respected public worker, said that personal and party prejudices should not blur their vision, from perceiving the great and noble experiment in prohibition that was being worked in the Salem District by the Congress Government. He had recently spent fifteen days in that district to inquire into the working of the Prohibition Act. He had no discussions with the Ministers or the District Officers, but moved freely among the common people affected by the measure. "I am happy to say" he added, "that the result of prohibition among the poor farm labourers, weavers, and factory workers, is marvellous. There is

perceptible moral, social and economic improvement among the working classes. I am not unaware of the other side of the question. I found that about 10 per cent. among the drinking section of the people felt repressed mentally and physically. Some of them may go mad and grow desperate. But this is nothing when compared with the great benefits that would ultimately result to the general public, particularly to children. The District Collector, Mr. Dixon, and the District Superintendent of Police, Mr. Bishop, are working with great earnestness and zeal, which could be found only among Christian Missionaries. This admirable co-operation between the Congress Ministers and the District Officers is mainly due to the honest and sincere co-operation of His Excellency Lord Erskine with the Congress Ministers in carrying out the Congress programme regarding prohibition. Whatever our disagreement with the commissions and omissions of the Congress Ministry, the name of Mr. C. Rajagopalachariar, the Premier, would go down in history as the pioneer in the cause of prohibition and his selfless work, sincerity of purpose, and patriotism would remain a guiding star to the future generation of this country."

POWERS OF POLICE OFFICERS

The following notifications regarding the powers of officers were issued on October 29 :—

In exercise of the powers conferred by Section 30 of the Madras Prohibition Act, 1937, the Provincial Government hereby authorize the police officers mentioned below to exercise all the powers specified in the said section :—

(1) Police officers of and above the rank of Sub-Inspector having jurisdiction in the Salem district; and

(2) Police officers in charge of stations with jurisdiction over any portion of the area lying within the Salem district.

In exercise of the powers conferred by Section 8 of the Madras District Police Act, 1859, the Provincial Government hereby make the following rules to regulate the appointment of the Assistant Inspector of Excise deputed to work under the Prohibition Officer, Salem District, as an Inspector of Police :—

1. Notwithstanding anything contained in the rules for the Madras Police Subordinate Service, it shall be competent for the Inspector-General of Police to appoint as an Inspector of Police, the Assistant Inspector of Excise deputed to work under the Prohibition Officer, Salem District.

Explanation.—An appointment under this rule is intended to enable the officer appointed more efficiently to discharge his duties in the enforcement of prohibition in the Salem District and shall not, therefore, confer on him any right to the pay and other privileges of a like nature of an Inspector of Police in the Madras Police Subordinate Service.

2. The officer so appointed will be subordinate to the District Superintendent of Police, Salem, and the Police Sub-divisional Officers in the Salem district in regard to police matters and executive action of a police nature without prejudice to his subordination to the Prohibition Officer, Salem District, the Collector of Salem and the Board of Revenue (Separate Revenue) in respect of other matters.

NUTRITIVE VALUE OF FERMENTED TODDY?

Madras Government's Statement.

The following official statement of the Madras Government on the alcohol content of different kinds of fermented toddy was given by the Minister for Public Health in the Legislative Council on March, 25, 1938, in answer to an interpellation :—

Fermented toddy is a kind of wine and its alcohol content is usually twice that of light beer. The average spirit content of the different kinds of fermented toddy is as shown below :

Coconut toddy—14·3 per cent ; palmyra toddy—9·2 per cent ; date toddy—8·6 per cent ; sago toddy—10·4 per cent.

In addition, it contains small quantities of yeast vitamins and some sugar. Taken in very moderate quantity fermented toddy may not affect the health of the drinkers adversely. The sugar and vitamin contents of the toddy may be of some nutritive value but it is more than countervailed by the evil effects of alcohol. These vitamins can be obtained in many other ways.

In sweet toddy the fermentation of the saccharine substance is prevented. Fresh sweet toddy contains no alcohol. It has no deleterious effects.

HOW PROHIBITION IS SUSTAINED

The following statement was circulated by the Madras Government among members of the Provincial Leglislative Assembly on 28th March, 1938 :—

It was estimated that, before the passing of the Act, over seven lakhs of people in the district were in the habit of drinking and it was realised that it would not be possible for the limited staff to control illicit tapping, distillation, import and sale of liquor and import and sale of drugs. Advantage was, therefore, taken of Section 36 of the Act to enlist the co-operation of officials of other departments, of village officers and of board school teachers and also of Section 26 of the Act to obtain non-official help by forming Taluk Prohibition Committees throughout the district. They have been instructed in their duties of sending regular reports to the Collector, giving information to the police carrying on propaganda and engaging themselves in ameliorative work. Under them non-official village committees have also been formed, which are visited and given instructions by Taluk Prohibition Committee members and touring police and other officials. Generally speaking, the situation can be considered satisfactory. Information gathered goes to show that at least 90 per cent of the former drinkers have given up the habit.

Crime has gone down as the following statement will show :—

	Fourth quarter 1936.	Fourth quarter 1937.
Murder and homicide ...	24	15
Dacoity and robbery ...	6	2
Burglaries in towns ...	13	10
Burglaries in villages ...	79	52
Thefts ...	82	73
Cattle thefts ...	63	55
Hurt cases ...	64	33

Information on the detailed points is as follows :—

(*a*) The following precautions were taken to prevent illicit tapping :—

(i) Frequent patrolling of topes by prohibition and ordinary police staff.

(ii) Supervision by village officers who were given special instructions.

(iii) Taluk Prohibition Committee members were instructed to pay special attention to areas where illicit tapping might take place.

(iv) Village Committee members were instructed to keep careful watch on topes in their areas,

In addition, tree-owners are keenly alive to the fact that they are jointly liable with tappers for observance of the provisions of the Act and are interested in seeing that their lessees do not tap for fermented liquor. These precautions proved generally effective.

Illicit distillation was fairly common in the district before the Act came into force and ioformation regarding localities in which it was prevalent was obtained from the Excise Department.

The police aided by officials of the Forest Department in forest areas who are co-operating closely by village officers and to some extent by non-officials have been keeping careful watch on areas where illicit distillation is likely to take place and so far as information is available, it appears that arrack is distilled only on a very small scale and in a very secretive manner. Sales of liquor within the district are rare.

(*b*) Anti-drink propaganda has been carried on by the health staff, by co-operative workers, by touring Government officials and by members of Taluk and Village Prohibition Committees. Songs have been composed dealing with the drink evil and are sung in some villages. In addition, the Indian Coffee Cess Committee and the Tea Cess Committee sent propaganda vans which toured in the district. Congress workers have also rendered useful help by holding public meetings in favour of prohibition.

Apart from direct propaganda, attempts are being made throughout the district to provide counter-attractions to drink in the evenings by organising bhajana parties, dramas, lectures, sports, games and physical activities suited to villages, and by providing reading-rooms, village halls and gramophones.

(c) The situation of toddy tappers is as satisfactory as could be expected. A considerable number of them obtained employment as farm-labourers during the cultivation and harvest season and when that season was over, many of them took to sweet toddy tapping. It is anticipated that about 75 per cent will be thus engaged at the height of the season and of the remaining 25 per cent, some have left the district, others possess lands, others are engaged in cooly-work and others in removing nuts, leaves and bark from coconut trees. Successful experiments were conducted in the district by the Industries Department in the making of cocoanut jaggery and the price of both cocoanut and palmyra jaggery was maintained at a good level. Experiments are now being conducted in converting cocoanut jaggery into sugar and in improving the quality of palmyra jaggery. During the quarter, a few jaggery co-operative societies were formed and more are being formed during the current quarter.

Land is being reserved for colonization by toddy tappers and endeavours are being made to induce some of them to emigrate to Malaya, as an experiment for work on oil palms. So far only about 40 have responded to this invitation.

(*d*) The number of cases detected, sentenced and dismissed under the Prohibition Act up to 31st December 1937 is as follows:—

		Cases.
Detected	...	215
Sentenced	...	201
Dismissed	...	2

(e) The amount of fines realised by the convictiag courts was Rs. 1,704.

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